

Shepway District Council

Community Infrastructure Levy (CIL)

**Draft Charging Schedule
Consultation Report**

**Statement of Representations
Regulation 19 (1) (b)**

May 2015

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Introduction

Shepway District Council invited representations on its Community Infrastructure Levy (CIL) draft Charging Schedule in line with the requirements of Regulation 16 of the CIL Regulations 2010 (as amended), from 9th February to 23rd March 2015.

In accordance with Regulation 19 (1) (b) of the CIL Regulations 2010, this consultation statement provides a summary of the consultation process undertaken; the main issues raised by respondents and their representations; and the Council's proposed response to representations received.

Representations Process

The Council consulted on its Draft CIL Charging Schedule, supporting evidence, and a draft Regulation 123 list, for a six week period from 9th February to 23rd March 2015.

A key aim of the consultation was to enable a wide audience to respond to the Council's CIL proposals. Key means used to raise awareness of the consultation included:

- Direct contact by email and letter with consultees who responded to the CIL Preliminary Draft Charging Schedule (PDCS) consultation (appendix 3);
- Direct contact via email and letter to a range of statutory and non-statutory bodies; developers, land owners and commercial agents; Registered Providers of affordable housing; neighbouring Local Authorities and the County Council; Parish and Town Councils; business organisations and local businesses (appendix 4 and 7);
- Information on the consultation and how to respond made available on the Council's public website, including a Regulation 16 Statement (appendix 2 and 5);
- Copies of the consultation documents made available for public inspection, at the Council's Civic Centre offices in Folkestone, and in libraries across the District;
- Placing of a formal public notice, in accordance with regulations 16 and 17 of the CIL Regulations 2010 (as amended), in local papers (Kent on Sunday, weekend of 7th/8th February 2015; Kentish Express, and Folkestone and Hythe Express, week commencing 9th February 2015) (appendix 6).

Respondents were requested to send their representations in writing to the Council, via email or by post. The Council's published Regulation 16 Statement of Representations and information on the Council's CIL webpage, also indicated that representations may be accompanied by a request to be heard by the examiner at the Examination in Public of the CIL Draft Charging Schedule.

Respondents

By the close of the consultation 13 representations on the draft CIL Charging Schedule had been received. Table 1 provides details of organisations submitting comments and indicates if they wish to be heard at the Examination in Public (EIP).

Table 1: Draft CIL Charging Schedule Respondents		
Who	Ref.	Regulation 21 Request to be heard at EIP
Marine Management Organisation	CIL DCS 001	No
The Country Land & Business Association	CIL DCS 002	No
Kent Wildlife Trust	CIL DCS 003	No
Hawkinge Town Council	CIL DCS 004	No
The Environment Agency	CIL DCS 005	No
Planning Potential (on behalf of ALDI Stores Ltd)	CIL DCS 006	No
Savills (on behalf of Ellandi LLP)	CIL DCS 007	Yes
GVA (on behalf of Taylor Wimpey)	CIL DCS 008	Yes
Kent Police	CIL DCS 009	No
Kent County Council (KCC)	CIL DCS 010	Yes
Natural England	CIL DCS 011	No
English Heritage	CIL DCS 012	No
Andrew Beggs & Associates on behalf of Folkestone, Hythe & District Association of Surveyors, Valuers, Auctioneers and Estate Agents	CIL DCS 013	No

The representations listed by table 1 can be viewed in full at appendix 7 of this report, in accordance with Regulation 19(1) of the CIL Regulations 2010 (as amended).

Summary of Main Issues Raised

Appendix 1 provides a summary and review of the topics and issues raised by representations on the Draft CIL Charging Schedule consultation, along with the Council's response. In particular, the following key issues were raised by respondents:

- GVA, on behalf of Taylor Wimpey have challenged the proposed CIL rates for residential developments, citing a different perspective on development scenarios, residential sales values, construction costs, and land values.
- Planning Potential, on behalf of ALDI Stores Ltd, are requesting that a 2,500 sq m retail floorspace threshold be used before CIL kicks in for non Folkestone town centre locations.
- The Country Land and Business Association (CLA) have asked for clarification on how CIL will apply to the build for rent market.
- Savills, KCC, the Kent Police, English Heritage, have requested greater clarity on the draft R123, particularly the distinction between what CIL will fund, and projects that will be funded by s106. KCC in particular have provided detailed comments on this.
- In addition to the above issues, the CLA and GVA, requested that SDC review its draft Instalments policy, to take account of project completion rather than commencement for smaller rural schemes (CLA); and development phasing for larger schemes (GVA).

Appendices

Appendix 1: Shepway's Draft CIL Charging Schedule Summary of Consultation Responses & Representations		
Ref.: CIL DCS 002 / Country Land & Business Association (CLA)		
Comments / Representations	SDC Response	Effect on Draft CIL Charging Schedule Proposals
<p>Rural Non Residential Charges</p> <p>Supports SDC's decision to impose a nil-rate CIL charge on non-residential and smaller scale commercial development, which are taken to include agricultural or forestry, employment and commercial development, as these are important areas for rural landowners and farmers to diversify into in order to support their farming and forestry enterprise. In addition, farmers and landowners are often forced to upgrade their buildings and infrastructure due to legislation; with no associated commercial gain to the enterprise. If a CIL were imposed on these types of development it would have a major impact on the farming and rural business community, which would be unable to afford the increased costs of development.</p>	<p>Support noted.</p> <p>Proposed nil CIL rating for non-residential and commercial development, as per SDC's proposals, includes the type of developments indicated by the CLA representation.</p>	<p>No change required</p>
<p>Rural Residential Charges</p> <p>Concerns raised over the significant increase in the proposed CIL charging rate for Zone D compared to the Zone A and B rates proposals, but recognises that the latter are a priority for the attraction of development. Notwithstanding this difference, the CLA welcomed the lower charges proposed for those rural areas (Zones A and B) where development can, according to the representation, be financially marginal and is often stifled by planning restrictions.</p> <p>The CLA considers that higher charges will act as a significant disincentive for development in rural areas. In addition, we are concerned to see no relief on affordable, key worker or tied dwellings.</p>	<p>SDC's independent viability study indicates that the proposed (higher) residential CIL charging rates for zone D will not impact significantly on development viability so as to place undue risk on the delivery of the development plan overall.</p> <p>Through the CIL regulations, affordable housing will not be liable to pay the levy (one of the mandatory reliefs).</p>	<p>No change required</p>
<p>Infrastructure Spending Proposals</p> <p>Proposed infrastructure spending has a strong urban bias, particularly in Folkestone. Market housing in rural areas is being used to subsidise this increased infrastructure.</p> <p>The CLA feels strongly that all developments being requested to contribute to infrastructure should have the opportunity to negotiate the level of</p>	<p>Most of the residential development proposed by the Core Strategy Local Plan will take place in the urban areas of the District, which also accords with national planning policy.</p> <p>In accordance with CIL principles, the approach to contributions to infrastructure requires a strategic,</p>	<p>No change required</p>

<p>payment depending on what a community/area needs.</p>	<p>district-wide approach. The justification for CIL is at a district-wide level and once the need to bridge a funding gap is established, viability and not a highly localised view of community/area needs is the prime determinant of the CIL charging level(s).</p> <p>However, Parish and Town Councils will retain a 15% (or 25% if a Neighbourhood Plan is in place) share of CIL income derived from chargeable development within their area, for use within the neighbourhood according to locally selected priorities.</p> <p>S106 agreements may still apply some development proposals, including in the rural area, but there are pooling restrictions now in place and obligations must also be related to site- specific development mitigation</p>	
<p>Payment Dates on CIL Amounts</p> <p>Concerns raised about the due date for CIL payments - being the commencement of development. For rural development in particular, development projects are often marginal and cash flow issues can have a stifling effect. Instead, the view provided was that the payment due date should be tied to the completion of the project or occupation of the relevant buildings to reflect the financing issues faced by many rural developers, especially of smaller scale.</p>	<p>The CIL Regulations prescribe the points at which the liability occurs.</p> <p>SDC will however review its proposed draft Instalments Policy in light of the comments, to see if there is flexibility within the CIL regulations. In general the points raised are acknowledged and a balance needs to be struck also with the requirement to ensure that infrastructure can be funded with certainty and provided in a timely fashion.</p>	<p>Draft instalments policy not subject to EIP but to be reviewed by SDC – the Council will explore the pros and cons of any potential adjustments.</p>
<p>Payment in Kind</p> <p>The provision for payment in kind is welcomed by the CLA. Whilst it is recognised that reaching agreement on such works might be complicated, it is seen as a progressive step and recognises the positive input that (particularly), rural businesses can have on local communities.</p>	<p>Comments noted</p>	<p>Payment in kind policy not subject to EIP. No change required.</p>
<p>Development for Rental Market</p> <p>The CLA would like to know what will happen where landowners decide to build houses to keep within their long term ownership (build to rent), to diversify their income through a portfolio of residential properties. There are no capital receipts from which to fund a CIL charge, rather the CIL charge would have to be met from existing revenues which the land manager is trying to improve by diversifying to obtain an alternative rental income stream. In this</p>	<p>Unless this is provided as a recognised form of affordable housing, the Council is not sure how it could create this differentiation fairly within the scope of the CIL regulations because the same could arguably apply to any residential development. In reality the CIL charge would make up only a small proportion of the overall</p>	<p>No change required.</p>

<p>case we believe the Council should be more flexible in their approach for the payment of CIL for example not charging the CIL if a legal agreement is given that the new property would remain available for private rental for a period of at least 5 years.</p>	<p>development cost, which would in any event need to be funded in some way.</p> <p>Furthermore, SDC is of the view that any such element of provision would not be unduly affected or be of a scale so as to put at risk the delivery of the Plan overall.</p>	
<p>Houses for Essential Workers</p> <p>The CLA has concerns that there is no allowance for housing needed for rural businesses such as agricultural, forestry and other essential rural workers. The CLA would like clarification that these dwellings will be treated the same as affordable housing, with a nil rate set for CIL. Our view is that the CIL should not apply to these dwellings which will have been justified as a requirement for the business.</p>	<p>In SDC's view, the same response comments (concerning equity and likely overall contribution to housing supply) apply as to the previous CLA points.</p> <p>It is noted that the CLA has not presented viability evidence, which would be necessary to justify any differential CIL rate for rural worker housing.</p> <p>Notwithstanding the above points, the CIL Regulations 2010 (as amended) identify the types of 'social housing' that the Government considers should be offered 100% exemption from CIL, where applications are duly made. Regulation 49 provides that social housing includes 'assured agricultural occupancies' where these are let by a private registered provider of social housing, a registered social landlord, or a local housing authority. This provides an opportunity for rural worker housing to be delivered as a form of recognised affordable housing and, if so, without a requirement to pay CIL.</p>	<p>No change required</p>

<p>Ref.: CIL DCS 005 / The Environment Agency (EA)</p>		
<p>Comments / Representations</p>	<p>SDC Response</p>	<p>Effect on Draft CIL Charging Schedule Proposals</p>
<p>Draft Regulation 123 List</p> <p>The EA is pleased that the draft Regulation List (draft January 2015) includes flood defences and other environmental infrastructure.</p>	<p>Comments noted</p>	<p>No change required</p>

Ref.: CIL DCS 006 / Planning Potential on Behalf of ALDI Stores Ltd		
Comments / Representations	SDC Response	Effect on Draft CIL Charging Schedule Proposals
<p>Retail Zones</p> <p>Acknowledge changes made to the CIL PDCS as stated in the draft CIL CS, in respect to exemption of new retail floorspace within Folkestone Town Centre, which is fully supported.</p> <p>Also supportive of the undertaking of further appraisals based on different scales of retail floorspace, as requested by response to CIL PDCS.</p>	Support noted	No change required
<p>Retail Thresholds</p> <p>As per previous comments on CIL PDCS, promote the introduction of a 2,500 sq. m floorspace threshold to differentiate between different formats of retail developments, given this represents the NPPF defined threshold figure for when the impacts of new development may, on balance, become significant. This figure is reflective of larger supermarket formats that may be considered to have the greatest retail 'impact'.</p> <p>The figure (2,500 sq. m) therefore has greater relevance than other figures that may, more reasonably, be considered arbitrary. It remains this representor's view that further differentiation between retail formats is essential.....It is considered that the introduction of a second retail threshold would provide a practical solution to differentiate between Limited Assortment Discounters (LADs) and larger supermarket formats.</p> <p>Introducing a charging schedule that is based on a retail format and trading densities that are materially different to an LAD – but which they would still be liable for – unfairly prejudices against such formats and creates a commercial advantage for larger supermarket operators.</p> <p>Acknowledge the point made at paragraph 2.12 (Supplementary report - Viability) that the Viability of different development schemes is driven by a range of site specific characteristics, but it is the case that the prospective CIL charge rate is a key factor when assessing viability, and a single blanket charge rate still has the potential to have disproportionate impacts. If a single charge rate is proposed for all retail formats above 280 sq. m, then the rate should be lowered to reduce potential impacts on viability.</p> <p>The Supplementary Viability report suggests there</p>	<p>The proposed retail floorspace threshold is considered appropriate, clear and evidenced and SDC is of the view in that it will not adversely impact on the delivery of the Local Plan.</p> <p>There is no clear evidence to inform an alternative approach and the single larger retail format proposed CIL charge is considered the fairest approach least likely to cause disadvantage to any particular sector or operator.</p> <p>In contrast to the presented views, SDC considers an alternative proposed 2,500 sq. m threshold to arbitrary and not based in viability evidence or other clear factors. It is not clear how the impact aspects link back to relevant factors for CIL rate setting and, if anything, SDC considers that it would be at least equally possible for a larger scheme moving into different impact criteria to be viewed less favourably in viability terms.</p> <p>As above, SDC maintains that a simple single charging rate at the level proposed for larger retail developments is evidenced, clear and an equitable, appropriate approach. The rate is not considered to be too high and SDC is not clear as to the evidence to the contrary.</p> <p>Again, SDC is of the view that in fact creating further differentiation could begin to amount to an</p>	No change required

<p>is a risk of ‘over-complicating’ the Charging Schedule, but we (Planning Potential) strongly believe that this should not be to the detriment of ensuring fairness within the proposed rates. In contrast, there is also a significant danger of over-simplifying the matter, to the detriment of investment opportunities within the District. Attention is drawn to paragraph 37 of the CIL Guidance (April 2013), which states ‘charging schedules should not impact disproportionately on particular sectors or specialist forms of development’.</p>	<p>approach that is too targeted, is not equitable or proportionate and is not in line with the CIL regulations.</p> <p>SDC is of the view that if further differentiation were introduced, other sectors could equally request particular CIL treatment – across a wide range of uses and circumstances. CIL is intended to be a relatively simple device and it is not possible or necessary to ensure that all, when viewed individually, maintain a particular level of viability.</p>	
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Ref.: CIL DCS 007 / Savills, on behalf of Ellandi LLP		
Comments / Representations	SDC Response	Effect on Draft CIL Charging Schedule Proposals
<p>Proposed Retail Rates – Folkestone Town Centre</p> <p>Following representation to the CIL PDCS, welcome amendments that have been made to the draft CIL CS in relation to the definition (location, type and scale) of chargeable retail development within Shepway. Accordingly, we fully support the identification of a separate charging zone for retail development within Folkestone Town Centre and the setting of £0 per sq. m for all convenience and comparison retail and other development akin to retail within this area.</p>	Support noted	No change required
<p>Proposed Residential Rates – Folkestone Town Centre</p> <p>Support a nil CIL rate for residential development within Zone A, which includes Folkestone Town Centre.</p>	Support noted	No change required
<p>Draft Regulation 123 List</p> <p>Welcome publication of the Draft Regulation 123 list. However, initial concerns were expressed regarding the level of detail included in the R 123 list. At present the types of infrastructure listed as being considered for support through CIL receipts is wide ranging and refers to generic infrastructure types such as, business infrastructure, public realm enhancements and community safety, as opposed to specific projects which are necessary to enable the delivery of Plan-led development. Accordingly, it is not considered that the Regulation 123 list provides sufficient clarity over which infrastructure projects will be funded through CIL and which will</p>	Comments noted	SDC reviewed and amended the draft R123 list, to take account of comments.

<p>rely on Section 106 contributions.</p> <p>Accordingly, further clarity will be welcomed on what is to be funded through the Draft 123 list and S106 contributions, and look forward to this being addressed by the Council in advance of the Charging Schedule being submitted for Examination.</p>		
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Ref.: CIL DCS 008 GVA, on behalf of Taylor Wimpey		
Comments / Representations	SDC Response	Effect on Draft CIL Charging Schedule Proposals
<p>Proposed CIL rates and Zones</p> <p>Objections raised to the proposed CIL charging rates for Zones B, C & D for residential development as it is considered that these have been set at too high a rate and will therefore impact on the viability and deliverability of residential schemes.</p> <p>Schemes will not be able to afford to provide 30% affordable housing and pay the suggested CIL charging rates.</p>	<p>The proposed CIL rates are derived from the evidence and findings of the Council's independent viability assessment by experienced consultants using an established, robust methodology.</p> <p>The proposed CIL charging rates represent not more than approximately 4% of sales values at the upper end. Most of the development scenarios are expected to fall well within this impact level. SDC is of the view that the CIL charging rates are set at an appropriate level so as not to impact unduly on Local Plan delivery overall.</p> <p>The viability assessment process has considered the CIL charges alongside the Plan policy and all other usual development cost impacts. Whilst the Council's affordable housing targets have been appropriately tested and set, just as occurs in a pre-CIL or no-CIL scenario, the actual provision level site-by-site may be considered further and the targets will continue to be operated flexibly where needed subject to the review of more specific viability evidence. Experience in other LAs with CIL at similar levels to those proposed is that typically it is not having a clear or material impact relative to the pre-CIL situation.</p> <p>Aside from this inherent delivery flexibility, the Government's policy on relaxing affordable housing requirements through various</p>	<p>No change required</p>

	<p>measures including the Vacant Building Credit will in many instances ease the burdens compared with full policy impacts in any event, as will the application of the CIL only to added floorspace. These are positive viability factors that have not been factored into (not been relied on by) the viability assessment. Overall, if anything, it is SDC's views that the once implemented the CIL charging rates are likely to be more comfortable that envisaged at the point of their inception</p>	
<p>CIL and Whole Plan Economic Viability Assessment</p> <p>GVA have reviewed the Viability Report prepared by viability consultants DSP in July 2014, and the Supplementary Viability Report dated January 2015. Key issues raised were noted as follows:</p>		
<p>Development Scenarios</p> <p>No issues with the residential scheme types assessed, but the range of apartment unit sizes assumed is smaller than the market is currently delivering and not comparable to the market values in Appendix 1 of the July 2014 report. Those values in GVA's experience are only achieved for larger 1 and 2 bedroom apartment units. Using these values with smaller units has the effect of underestimating the construction costs in the various appraisals.</p>	<p>SDC and its viability consultants consider that the relationship between property size, sales values and development costs has been appropriately considered, given the nature of the viability study and that all schemes will vary and be dependent on site specific circumstances.</p>	<p>No change required</p>
<p>Residential Sales Values</p> <p>In terms of the residential sales values being achieved, there are very few examples of new build properties achieving the higher end VL9 – VL12 of £3,350 to £4,200 per sq. m. These are normally only secured on very selective small plots in small exclusive areas and should not be used to correlate across large areas of the District or apply to larger schemes.</p> <p>From looking at the residential comparable sales information available within the District, GVA disagree with the contents of Figure 6 (June 2014 Viability Study). In GVA's view, areas have been allocated to value zones which are not achievable or appropriate, based on the evidence of housing delivered over the recent past.</p> <p>GVA are of the opinion that:</p> <ul style="list-style-type: none"> - New Romney & Littlestone should be within VL1, VL2 & VL3 only - Folkestone 2, Dymchurch, Burmarsh & Hawkinge should also be included in VL1 - Rural 1 & Folkestone 3 should be within VL2, VL3 	<p>The viability assessment work uses a wide range of sensitivity testing on sales values levels and other assumptions. The assessment acknowledges that in most parts of the district values are well within the higher end of the range levels; it does not rely on those being achieved, as the detail sets out. The CIL charging rates are not reliant on those.</p> <p>SDC is not clear as to what alternative evidence or examples of local housing delivery are being relied upon in making the representations; how local or relevant those may in fact be.</p> <p>Again, and purely as an indication of the proportionate effect, the proposed £0 - £125 per sq. m CIL rates represent not more than 4% of sales values at the upper end. Most of the development scenarios</p>	<p>No change required</p>

<p>& VL4 only - Rural 3 & Hythe should be in VL4, VL5 & VL6 - Rural 4 & Folkestone 4 should be within VL5 & VL6 - Rural 5 should be within VL6, VI7 & VL8</p> <p>The value range suggested above are in line with the current market and should be used to inform the analysis for the CIL rates, Using VL9 – VL12 over-estimates the sales values within the appraisals and will lead to the wrong conclusions being made.</p>	<p>are expected to fall well within this level of impact, supporting the view that the CIL rates are set at an appropriate level so as not to impact on Local Plan delivery as a whole.</p> <p>In addition, since publication of the July 2014 Viability Study, sales values for new properties in the district have increased.</p> <p>Given the nature of the assessment process suitable for developing and reviewing an appropriate approach to setting CIL charging rates, the value levels and their use as explained within the Viability Study are considered to remain suitable and robust for the purposes of informing and evidencing the Council's proposals.</p>	
<p>Construction Costs In terms of the level of construction costs used, GVA agree that these should be derived from the RICS Building Cost Information Service (BCIS) for Shepway District. However, over the past 9 months, the industry has seen a large increase in construction costs as a result of material and labour shortages.</p> <p>GVA compare costs used by DSP to the BCIS figures for November 2014 (refer to full representation by GVA).</p> <ul style="list-style-type: none"> - Houses, mixed development: 13% cost increase per sq m (July to Nov. 14) - Houses , 3 units or less: 13% cost increase per sq. m (July to Nov.14) - Flats, generally: 12% cost increase per sq. m (July to Nov. 14) - Flats, 6+ storey: 15% cost increase per sq. m (July to Nov. 14) <p>This indicates that the actual increase in construction costs from July to November 2014 is the same rate or higher than the highest CIL rate proposed.</p> <p>You then have to factor in the allowances for externals which are typically between 15% and 20% of base build cost, plus professional fees and contingencies. The net effect of this is to seriously under-estimate the residential construction costs within the appraisals.</p>	<p>SDC and its consultants acknowledge that assumptions are made at a point in time and that build costs have increased since the publication of the Viability Study, but note that this has been from a low base following the recession. In addition, there is no evidence to suggest that the increase has been so significant so as to outweigh the positive influence of increased housing market stability and a continued upward sales values trend for new build properties; as continued development activity suggests.</p> <p>There are other balancing factors too, so that it is not appropriate simply to consider trends in individual assumptions alone.</p> <p>For example, as well as reducing extra-over cost now more typically added in respect of sustainable construction / carbon reduction, generally the planning-led development cost burdens on smaller sites have also reduced, due to the Government changes including factors as noted in above responses – for example the vacant building credit, changes to affordable housing requirements, and other proposals in respect of brownfield sites.</p> <p>External works, fees, contingencies</p>	<p>No change required</p>

	<p>and other costs have been appropriately reflected with the viability assessment. In addition, the Council reiterates that the assessment assumptions make no allowance for netting-off existing floorspace, which will serve to often reduce CIL liability, particularly on PDL based developments.</p>	
<p>Land values GVA notes that DSP have assessed land values between £500k / ha & £1.2m / ha to test against their RLVs. On PDL, they uses a land value benchmark of £750k / ha. In GVA's experience, PDL values are much nearer to the £950k / ha. Even for greenfield land, there is no differentiation between net and gross areas, as generally there is a requirement to provide substantially more green / open space on these types of developments.</p> <p>In GVA's view it would be more appropriate to test Greenfield land at £700k / ha; PDL at £950k / ha; and leave the highest value at £1.2m / ha.</p>	<p>The Council's consultants DSP consider that in this representation GVA are overstating the level that land values need to reach regularly, given their experience and recent indications in the District. Opinions often vary, but DSP are of the view that in general there can be a tendency to make inappropriate comparisons on land value and to effectively double count the costs or some of the costs involved in making the land ready for development. Given that all such costs are allowed for within the residual approach used in the viability assessment, i.e. as developer funded costs, it is necessary not to inflate the amounts available to the landowner. The assumptions on land values used by the Viability Study are considered to remain robust and appropriate for the purpose.</p>	<p>No change required</p>
<p>Conclusions on proposed residential CIL rates If DSP's appraisals were to be re-run taking into account GVA's alternative assumptions on residential sales levels and land values, and the latest BCIS costs, then allowing for sensitivity testing, the in GVA's view the results would show that Residential Zone B scenarios would not be able to afford to pay a CIL charge; Residential Zone C scenarios would only be able to afford to pay a £50 per sq. m CIL charge; and Zone D would be able to pay a £75 per sq. m CIL Charge.</p> <p>The CIL levy should be expected to have a positive economic effect on development across a local plan area. Therefore when deciding the levy rates, an appropriate balance must be struck between additional investment to support development and the potential effect on the viability of developments. As the residential draft charging rate currently stands, it will have a detrimental impact on the viability and deliverability of residential schemes in the District.</p> <p>Therefore request that consideration is given to</p>	<p>It is noted that GVA considers that £50/sq. m reductions should be made to each of the SDC proposed residential charging rates. The evidence for this is not clear, nor is it clear how this would better address the arriving at an appropriate balance between the need for infrastructure to support the development plan identified growth and the thoroughly acknowledged and worked-through aspects of viability.</p> <p>Following the review of GVA's representations, the Council and DSP consider that the proposed CIL rates remain suitably evidenced, appropriate and are of the view that the proposals will not place the delivery of the Local Plan overall at risk.</p> <p>Therefore, overall GVA's suggested reductions to the CIL rates are not</p>	<p>No change required</p>

<p>reduce the CIL rates as proposed by GVA, in order to allow the market to continue to deliver the homes beyond the Strategic Sites needed within the District.</p>	<p>considered to be an appropriate response.</p> <p>In addition, the Council's further review of and confidence in its approach has also been informed by its experience that during 2 rounds of consultation on the proposed CIL Charging Rates, no other commercially driven residential development interests or their agents have submitted similar representations requesting a reduction in the proposed CIL rates.</p>	
<p>Draft CIL CS Tables</p> <p>Table 2 Support the principle of the Town Centre having a nil charge CIL rate, although consider that this treatment should not include developments for supermarket or retail warehousing use. Therefore the representation suggests that these 2 uses are excluded from the Folkestone Town Centre area nil-CIL rating, as in the submitted view the evidence suggests these can afford to pay a CIL charge in line with the rest of the District definitions within the Council's schedule.</p> <p>Table 3 In agreement that the key strategic sites identified by table 3 are more appropriately addressed by S106 and should therefore have a nil CIL charge rate.</p> <p>Table 4 Support the contents of table 4 as GVA agree the proposed uses could not afford to pay a CIL charge.</p>	<p>Comments noted and considered by SDC.</p> <p>The Council's comprehensive viability assessment includes evidence suggesting the likelihood of development viability difficulties in respect of town centre retail compared with other typically lower cost schemes located away from the centre – where the relationship between development values and overall development costs is likely to be stronger. On balance it was considered that such developments located in the Folkestone town centre areas would not be able to reliably sustain a CIL charge, and the Council and its consultants maintain this view.</p>	<p>No change required</p>
<p>Draft Instalment Policy</p> <p>Support the principle of the Policy as it will increase the viability of future developments schemes, but suggest amending the proposed payment phasing (refer to GVA submission letter for details).</p>	<p>Comments noted. SDC to review its proposed draft Instalments Policy in light of comments.</p>	<p>Draft Instalment policy not subject to EIP, although the Council intends to reconsider this.</p>
<p>Draft Payments in Kind Policy</p> <p>Support the principle of the policy. Request however that the interest in the land or properties to be transferred could either be on the basis of a long leasehold interest or freehold interest.</p> <p>Also advise that this should include the provision of play-space, public open space and commuted sums for maintenance of an area</p>	<p>Comments noted. SDC to review its proposed draft Instalments Policy in light of comments.</p>	<p>Draft Payment in kind policy not subject to EIP, although the Council intends to reconsider this.</p>
<p>Exceptional Circumstances Relief Policy</p> <p>Note that the Council are still not promoting an Exceptional Circumstances Relief Policy. GVA</p>	<p>Comments noted.</p>	<p>Exceptional Circumstances Relief policy not subject to EIP, but</p>

consider this is a mistake and that this position should be re-considered as there are many sites within the District that could only come forward on the basis of such a Relief Policy. As the CIL regulations allow the Council to introduce such a policy at any stage, GVA would expect the Council to keep this under review as part of their monitoring process and look to bring in such a policy if required.		the Council expects to monitor its approach to all aspects of the CIL with a view to considering any necessary adjustments over time.
Discretionary Relief from CIL Support the Council's policy on discretionary relief.	Support noted	Discretionary Relief policy not subject to EIP
Monitoring and Review Support the Council's intentions on monitoring and review and would expect that Council to act immediately in the event of a market / economic downturn.	Comments noted	No change required at this point – monitoring to take place
Draft Infrastructure Assessment & Delivery Plan In appendix 2, Critical Infrastructure, Taylor Wimpey have agreed to provide the land required for the new primary school on Strategic Site SS7 and make a capital contribution of £3,143,222 towards the construction of the new primary school. On Strategic Site CSD9, whilst the contribution that Taylor Wimpey has agreed to make is correct, they have also had to acquire third party land in order to be able to transfer the land to KCC. These costs should therefore allow for the entire costs of providing the land and building the schools. Within the Necessary Infrastructure – transport costs, all those that relate to Shorncliffe Garrison have recently been updated and therefore the costs stated should be amended.	Comments noted – Draft Infrastructure Assessment & Delivery Plan to be updated as appropriate.	No change required to CIL Charging Schedule proposals

Ref.: CIL DCS 009 / Kent Police		
Comments / Representations	SDC Response	Effect on Draft CIL Charging Schedule Proposals
Draft Regulation 123 List If it is SDC's intention to include Policing infrastructure under Health & Social Care facilities...or Community Safety, then Kent Police believes the draft CIL Charging Schedule is sound. However, if that is not the intention then Kent Police objects to the draft CIL Charging Schedule (for reasons outlined in their letter).	All requests for CIL support will be considered via appropriate governance arrangements, after a CIL Charging Schedule is adopted. The Community Safety heading in the draft Regulation 123 list will be used, in the main, to consider CIL funding requests for appropriate enhancements to police infrastructure, resulting from the delivery of the Core Strategy Local	No change required

	Plan's policies on residential developments.	
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Ref.: CIL DCS 010 / Kent County Council		
Comments / Representations	SDC Response	Effect on Draft CIL Charging Schedule Proposals
<p>Retail</p> <p>KCC welcomes the clarity provided on the application of the proposed retail rates and the inclusion of a threshold (280 sq. m) for retail developments, which would be considered as 'large scale' (Table 2: Retail Developments)</p>	Comments noted	No change required
<p>Other Developments</p> <p>KCC welcomes the inclusion of land use classes B, C1, C2 and D in 'Table 4: Other Developments', confirming that buildings for its community services are zero rated. However the County Council reiterates its request for confirmation that a zero charge will also be applied to eligible minerals and waste uses.</p>	Eligible minerals and waste uses to be considered as sui generis under the land use B Classes, so are nil rated.	No change required
<p>Monitoring and Review</p> <p>KCC notes that the DCS does not feature a monitoring and review framework which would assist in ensuring that CIL rates reflect market conditions and wider influences on development viability and deliverability. KCC suggests that the monitoring and review framework is (re) incorporated into the DCS, as it was included in the PDCS (page 14).</p>	Comments noted	Monitoring and review section to be updated.
<p>Draft Regulation 123 List</p> <p>The County Council has serious concerns regarding the wording of the draft Regulation 123 list. The Planning Practice Guidance (PPG) on the operation of the CIL (ID 25-097-20140612) states:</p> <p>'Where the regulation 123 list includes a generic type of infrastructure (such as education or transport), section 106 contributions should not be sought on any specific projects in that category'.</p> <p>It is for this reason that good practice (i.e. Planning Advisory Service) suggests that charging authorities should include specific infrastructure projects within a generic type of infrastructure to be eligible for s106.</p> <p>The draft Regulation 123 list is considered ambiguous and KCC strongly suggests that clarity is required on a number of aspects including, but not restricted to (<i>see the following points</i>):</p>	The background note appended to the draft R123 list identifies a list of specific infrastructure projects within a generic category that will be eligible for s106. The projects listed are also related mainly to developments that will be exempt from CIL.	The draft R123 list will be reviewed to provide clarity on CIL and s106.

<p>Use of CIL Receipts</p> <p>The generic list of projects on page 1 <i>'which will be considered for support through CIL receipts'</i> are similar to the projects listed on page 2 which <i>'will continue to be addressed through s106'</i>.</p>	<p>See note above</p>	<p>As above</p>
<p>Education</p> <p>The district Council proposes the use of s106 for education provision where residential development is of <i>'significant scale to create a demand for new facilities and schools'</i>. However <i>significant</i> is not defined and even a minor development scheme (i.e. less than 10 units) might generate demand beyond existing capacity.</p> <p>Furthermore, schemes (of all sizes) do not necessarily give rise to a requirement for <i>"new facilities and schools"</i>; the expansion of an existing school might be appropriate to mitigate the level of impact. For example, part of the section 106 contribution from the Folkestone Seafront development has been earmarked to expand the new primary school at Shorncliffe Garrison from one form of entry to two forms – this is not a <i>"new"</i> facility or school.</p> <p>The County Council strongly suggests that the District Council revisits the wording of the Education projects listed on page 2. For example, <i>"Hythe existing primary school expansion"</i> and <i>"Romney Marsh existing primary school expansion"</i> is vague and should be linked to specific projects, i.e. the expansion of Palmarsh Primary School which is to be funded via the Nickolls Quarry section 106 agreement. The current wording would preclude the future use of any CIL receipts for the expansion of any other schools in Hythe.</p> <p>Similarly, is the District Council referring to a section 106 agreement from the New Romney Broad Location (Core Strategy Policy CSD8)? If so, the wording should be linked to specific projects, i.e. the expansion of St Nicholas Primary School. The current wording would preclude the future use of any CIL receipts for the expansion of any other schools in the Romney Marsh.</p>	<p>Defining 'significant' is problematic because it will be specific to a location. It is therefore advised that a residential unit threshold is not applied as a trigger for s106 contributions; rather this should be considered as part of a case by case review of planning proposals as and when they are submitted.</p> <p>A clearer definition of what is meant by a project that will be funded by s106 will be provided in a revised draft R123 list.</p> <p>List of S106 projects to be reviewed and updated.</p>	<p>As above</p>
<p>Use of S106</p> <p>KCC supports the use of section 106 to mitigate the impact of the strategic sites (Folkestone Seafront and Shorncliffe Garrison) and broad locations (New Romney and Sellindge) on local infrastructure provision. However the draft Regulation 123 list must clearly specify which projects are <i>excluded</i>, particularly as the District Council is to continue its approach of setting out generic infrastructure types within the list.</p>	<p>Comments as above</p>	<p>As above</p>

<p>Review (Regulation 123 List)</p> <p>The County Council recognises that other infrastructure needs may arise over the course of time in response to development proposals and local needs.</p> <p>The PPG on the operation of the CIL (Paragraph: 098 Reference ID: 25-098-20140612) states:</p> <p><i>“When charging authorities wish to revise their regulation 123 list, they should ensure that these changes are clearly explained and subject to appropriate local consultation.”</i></p> <p>KCC therefore requests that the Regulation 123 list does not seek to reprioritise its infrastructure requirements without prior consultation and agreement from the County Council.</p>	<p>Any changes to an adopted R123 list proposed by SDC will be subject to the consultation criteria as per the CIL Regulations.</p>	<p>No changes required.</p>
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Ref.: CIL DCS012 / English Heritage		
Comments / Representations	SDC Response	Effect on Draft CIL Charging Schedule Proposals
<p>Historic Environment Reference</p> <p>As there is currently no reference to the historic environment within the draft Charging Schedule, English Heritage would encourage including additional text to refer to the historic environment as a form of infrastructure and how the levy can positively contribute to the protection, conservation and enhancement of the historic environment.</p>	<p>The draft CIL Charging Schedule does not have to specify which types of infrastructure and projects will be supported by CIL, with this considered by the draft R123 list.</p>	<p>No changes required</p>
<p>Draft Regulation 123 List</p> <p>We also recommend that the Regulation 123 list requests investment in the protection, conservation and enhancement of heritage assets and their settings to ensure CIL monies are available to fund appropriate initiatives.</p>	<p>The draft R123 list has a ‘Cultural and heritage facilities’ thematic infrastructure category, which SDC considers addresses the English Heritage point.</p>	<p>No changes required</p>
<p>Heritage Assets Evidence Base</p> <p>English Heritage would also recommend that the Charging Schedule is fully informed by an up to date and relevant evidence base for the historic environment and its heritage. The evidence base will likely assess ‘heritage at risk’ in the borough and this could provide a useful insight into project opportunities for the Regulation123 List.</p>	<p>Comments noted</p>	<p>No changes required</p>
<p>S106 and Heritage Considerations</p> <p>Without prejudice to the above, development specific planning obligations and S106 should continue to offer opportunities for funding</p>	<p>Comments noted</p>	<p>No changes required</p>

improvements to and the mitigation of adverse impacts on the historic environment, such as archaeological investigations, access and interpretation, and the repair and reuse of buildings or other heritage assets. The representation invited SDC to clarify this matter in its schedule.		
<p>Discretionary Relief for Exceptional Circumstances</p> <p>We are (therefore) encouraging Local Authorities 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>	The Council has decided not to offer this type of policy, but will review its impact as part of the monitoring of an adopted CIL Charging Schedule.	No changes required.

Ref.: CIL DCS 013 / Andrew Beggs & Associates / Folkestone, Hythe & District Association of Surveyors, valuers, Auctioneers and Estate Agents		
Comments / Representations	SDC Response	Effect on Draft CIL Charging Schedule Proposals
<p>CIL and S106</p> <p>The apparent simplicity of the proposed new levy seems to be extremely attractive, but it would only be so if it replaces S106 requirements. Builders and developers can then assess exactly what their expenses are from the outset rather than having to enter into complicated negotiations.</p>	<p>Although the application of s.106 for any specific necessary development mitigation will vary and be site-specific, s106 agreements are likely to only apply to any major extent regularly on the more significant development proposals. It is therefore highly probable that the majority of planning applications for smaller developments where CIL applies will only be subject to a CIL charge. On most of those, the scope of any s.106 is considered likely to be relatively small. Where there are particular viability pressures, when viewed overall, then the Council will continue to be pragmatic about the particular application of its affordable housing policies for example. However, in any event through Government policy review some of the viability pressures on such schemes will have been eased in many cases.</p>	No changes required.
<p>CIL Rates</p> <p>The representation states the view that the proposed size of the levy does give rise to some major concerns particularly as adjoining Local Authorities at Ashford, Dover, Canterbury etc., have not yet attempted to introduce CIL this will have the effect of making new housing costs in particular about £10,000 dearer on a small modern house. The impact of that, in an area where margins are</p>	<p>The proposed CIL rates need to respond to local circumstances in the district and the Council is being proactive in carefully pursuing CIL over as prompt a programme as possible given that it needs to secure greater confidence in how infrastructure will be funded to support housing growth. The charging rate proposals are derived</p>	No changes required.

<p>extremely tight, could have a major slowing down effect forcing builders and developers to look at adjoining areas in preference to building in Folkestone. At a time when the County needs cheap housing the size of the levy, in the submitted view, is totally unrealistic. It is suggested that if the District Council wishes to proceed it should do so on the basis of a fairly nominal contribution to begin with and to review the situation as other Local Authorities introduce a levy in the adjoining areas.</p> <p>When this £10,000 is added to the £25,000 which was added by Code 3 of the Building Regulations we could end up with the same situation of years ago when Development Land Tax was introduced and literally no land came on to the market and the housing shortage got worse rather than better. The representation urges the Council to reconsider some of these points</p>	<p>from the Council's evidence including the findings and recommendations of an independent viability assessment. The proposed CIL charging rates, which will largely replace former s.106 costs / obligations, have therefore been considered in depth and set at an appropriate level so as not to adversely impact on the delivery of the Local Plan overall.</p> <p>As more CIL charging rates proposals emerge and progress in the wider region it is not expected that those will be greatly variant from SDC's positions, bearing in mind again that each charging authority has to respond to its own circumstances and local balance between infrastructure funding needs and viability.</p> <p>The Council would also like to reiterate that CIL charging is not wholly on top of, but is largely in place of s.106 that has been part of typical development costs to date.</p> <p>In referring to the collective costs of development, SDC's viability consultants advise that the representation appears to indicate a greatly over-stated view of the extra-over cost impact of sustainable construction measures. The viability assessment considers these, and in fact fully updated assumptions would now typically suggest lower costs on that aspect than have been allowed for in the assessment.</p>	
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Appendix 2: Regulation 16 Statement



**Planning Act 2008 (as amended)
Community Infrastructure Levy Regulations 2010 (as amended)
Shepway District Council
Draft CIL Charging Schedule Consultation
Regulation 16 Statement of Representations Procedure**

Consultation

Shepway District Council hereby gives notice that it intends to submit a Draft Community Infrastructure Levy (CIL) Charging Schedule for public examination, under Section 212 of the Planning Act 2008.

In accordance with Regulations 16 and 17 of the Community Infrastructure Levy Regulations 2010 (as amended), Shepway District Council is inviting representations on its Draft Charging Schedule. The following documents have therefore been made available for consultation / inspection:

- Shepway District Council Draft CIL Charging Schedule (January 2015)
- Relevant evidence to support the Draft Charging Schedule (including viability and infrastructure assessments)
- Statement of representations procedure (this document)

Consultation Period

In accordance with Regulation 17 (2) (a), of the CIL Regulations, all representation on the draft CIL Charging Schedule, must be made within the following 6 week time period:

- 9th February to 23rd March 2015 (representations to be sent by 5pm).

How to View Consultation Documents

The Draft CIL Charging Schedule and supporting documents are available on the Council's website at: <http://www.shepway.gov.uk/content/view/201786/206/>

Hard copies of documents can also be viewed at the Council's main office address and in the following libraries, during advertised normal opening times:

Shepway District Council
Civic Centre
Castle Hill Avenue
Folkestone, Kent CT20 2QY

Libraries:

Library	Address
Cheriton	64 Cheriton High Street, Folkestone CT19 4HB Tel.: 03000 413131
Folkestone	2 Grace Hill, Folkestone CT20 1HD Tel.: 03000 413131
Hythe	1 Stade Street, Hythe CT21 6BQ Tel.: 03000 413131
Lydd	Skinner Road, Lydd, Romney Marsh, TN29 9HN Tel.: 03000 413131
Lyminge	Station Road, Lyminge, Folkestone CT18 8HS Tel.: 03000 413131
New Romney	82 High Street, New Romney TN28 8AU Tel.: 03000 413131
Sandgate	Sandgate High Street, Sandgate, CT20 3RR Tel.: 01303 248563
Wood Avenue	Wood Avenue, Folkestone CT19 6HS Tel.: 03000 413131

Representations

Representations on the Draft CIL Charging Schedule must be made in writing and can be submitted by email or post via the following addresses:

Planning.policy@shepway.gov.uk (with 'CIL consultation' in the subject bar).

Or by post:

Draft CIL Charging Schedule Consultation
Shepway District Council
Planning and Building Control
Planning Policy
Civic Centre, Castle Hill Avenue
Folkestone, Kent CT20 2QY

Withdrawal of Representation

Any person making representations on the Draft CIL Charging Schedule may withdraw those representations at any time by giving notice to Shepway District Council in writing at the email or postal addresses above.

CIL Examination: Right to be heard

Organisations and individuals making representations may request to be heard in person at any related Examination in Public, and/or to be notified, at a specified address, before the end of the consultation period (5pm, 23rd March 2015).

Any person making representations may request that they be notified at a specified address of any the following:

- That the Draft CIL Charging Schedule has been submitted to the examiner in accordance with section 212 of the Planning Act 2008;
- The publication of the recommendations of the examiner and the reasons for those recommendations, and
- The approval of the CIL Charging Schedule by the Council

Further Information or Enquires

For further information or enquires about the Community Infrastructure Levy in Shepway, please contact the Council's planning policy team on tel.: 01303 853364, or planning.policy@shewpay.gov.uk

Statutory Compliance

This statement of Representation Procedure on Shepway District Council's Draft CIL Charging Schedule, has been produced and published in accordance with the Community Infrastructure Levy Regulations 2010, (as amended) and Part 11 of the Planning Act 2008 (as amended).

(Date: January 2015)

Appendix 3: Letters Sent to CIL PDCS Respondents

The following organisations and individuals sent in comments and representations in response to the consultation on Shepway District Council's CIL PDCS. They were contacted directly to alert them to the consultation on the draft CIL Charging Schedule, to invite further comments and representations as appropriate.

Shepway CIL PDCS Consultation Respondents	SDC reference
Kent Channel Chamber of Commerce	CIL PDCS-001
Marine Management Organisation	CIL PDCS-002
Kent Downs AONB	CIL PDCS-003
KCC Member	CIL PDCS-004
Savills (on behalf of Ellandi LLP)	CIL PDCS-005
Thomas Eggar (on behalf of Asda)	CIL PDCS-006
Natural England	CIL PDCS-007
Environment Agency	CIL PDCS-008
New Romney Town Council	CIL PDCS-009
Southern Water	CIL PDCS-010
Kent Police	CIL PDCS-011
KWT	CIL PDCS-012
KCC	CIL PDCS-013
RPS (on behalf of GSE group)	CIL PDCS-014
Sellindge Parish Council	CIL PDCS-015
The Planning Bureau (on behalf of McCarthy & Stone)	CIL PDCS-016a CIL PDCS-016b CIL PDCS-016c
Other resident (not residing in Kent)	CIL PDCS-017
Planning Potential Ltd (on behalf of Aldi Stores Ltd)	CIL PDCS-018
Dover District Council	CIL PDCS-019
Folkestone Town Council	CIL PDCS-020

Your Ref:
Our Ref: **SDC/CILCS/Feb15**
Direct Dial: **01303 853364**
Fax:
E-Mail: **planning.policy@shepway.gov.uk**
Date: **05 February 2015**

Folkestone
Hythe & Romney Marsh
Shepway District Council



Circulation to:

Angela Gemmill
Relationship Manager
Marine Management Organisations

Dear Angela,

**Shepway District Council Community Infrastructure Levy (CIL)
Public Consultation: Draft CIL Charging Schedule
Monday 9th February, to 5pm Monday 23rd March 2015**

You may recall that Shepway District Council issued a Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule (PDCS), for consultation during the summer of 2014.

Given you kindly submitted representations in response to the CIL PDCS consultation, I am writing to inform you that on Monday 9th February, the Council will commence its next stage consultation on a draft CIL Charging Schedule. The consultation period lasts for a 6 week period, until 5pm on Monday 23rd March 2015. This represents the final formal consultation on the development and introduction of CIL in the district, before the draft Charging Schedule is submitted to the Planning Inspectorate for examination in public.

The Council is inviting comments and representations from residents, businesses, parish and town councils, neighbouring local authorities, the County Council, developers and the development industry, and any organisation or person that may have an interest in CIL and the proposals set out by the draft CIL Charging Schedule.

A copy of the draft CIL Charging Schedule is enclosed for your attention. The Charging Schedule along with supporting documents, including a draft Regulation 123 List, CIL and Whole Plan Economic Viability Study, a Core Strategy Local Plan draft infrastructure assessment and delivery plan, and a Consultation Statement on the CIL PDCS, can also be viewed via the following web site address:
<http://www.shepway.gov.uk/content/view/201786/206/>

Hard copies of the consultation document and supporting information are available to be viewed at: **Shepway District Council Civic Centre, Castle Hill Avenue, Folkestone CT20 2QY; and at the District's libraries.**

Comments and representations on the draft Charging Schedule, supporting documents including the draft Regulation 123 list, and related matters should be made in writing, and sent by email or by post to the following addresses:

Shepway District Council
Civic Centre, Castle Hill Avenue, Folkestone, Kent, CT20 2QY
Telephone: (Switchboard) 01303 853000
E-mail: sdcs@shepway.gov.uk
DX 4912 Folkestone

www.shepway.gov.uk

By email:

Planning.policy@shepway.gov.uk

(with 'CIL Consultation' in the subject line)

By post:

Draft CIL Charging Schedule Consultation
Shepway District Council
Planning and Building Control
Planning Policy
Civic Centre, Castle Hill Avenue
Folkestone, Kent
CT20 2QY

Any person making representations on the draft Charging Schedule and / or associated documents, may request the right to be heard at the examination in public that follows this consultation. Persons making representations can also request to be notified of progress on the submission of the Charging Schedule for examination in public; the publication of the examination recommendations; and the adoption of the Charging Schedule by the Council.

Should you have any queries on the consultation, please use the contact details given at the top of this letter.

The Council greatly appreciates your consideration of the draft Charging Schedule and supporting documents, and welcomes your views.

Yours faithfully

Chris Lewis
Head of Planning

Appendix 4: General Consultation Email and Letter

From: Arnett, Stephen
Sent: 09 February 2015 10:08
To:
Subject: Sheapway draft CIL CS consultation -

Circulation to:

Dear

**Shepway District Council Community Infrastructure Levy (CIL)
Public Consultation: Draft CIL Charging Schedule
Monday 9th February, to 5pm Monday 23rd March 2015**

I am writing to inform you that on Monday 9th February, Shepway District Council will commence its public consultation on the attached draft Community Infrastructure Levy (CIL) Charging Schedule. Please therefore accept this email and the attached letter, as notification of the commencement of the public consultation on this document.

As per the Government's CIL Regulations and process, this is the second formal consultation on the development of CIL in the District, following on from the consultation on a CIL Preliminary Draft Charging Schedule (PDCS), during late summer 2014.

The Council is inviting comments and representations from residents, businesses, parish and town councils, neighbouring local authorities, the County Council, developers and the development industry, and any organisation or person that may have an interest in CIL and the proposals set out by the draft Charging Schedule.

Details and supporting documents, including a draft Regulation 123 list, can be viewed on the Council's website at: <http://www.shepway.gov.uk/content/view/201786/206/>; at the Civic Centre, Castle Hill Avenue, Folkestone CT20 2QY; and at the District's libraries.

The consultation period lasts for a 6 week period until 5pm on Monday 23rd March. The Council would greatly appreciate receiving your views on the draft CIL Charging Schedule, which represents the final formal consultation before the draft Charging Schedule is submitted to the Planning Inspectorate for examination in public.

If you wish to make comments in response to the consultation on the draft Charging Schedule and / or the supporting documents, please submit these in writing:

by email to - planning.policy@shepway.gov.uk (with 'CIL consultation' in the subject line);

or by post to - Draft CIL Charging Schedule Consultation
Shepway District Council
Planning and Building Control
Planning Policy
Civic Centre, Castle Hill Avenue
Folkestone, Kent
CT20 2QY

Any person making representations on the draft Charging Schedule and / or associated documents, may request the right to be heard at the examination in public that follows this consultation. Persons making representations can also request to be notified of progress on the submission of the Charging Schedule for examination in public; the publication of the examination recommendations; and the adoption of the Charging Schedule by the Council.

Thank you for considering the consultation - the Council welcomes your views and looks forward to receiving your response.

Kind regards

Stephen Arnett
Community Infrastructure Levy Officer
Planning Policy Team
Shepway District Council
Tel: 01303 853364

The Civic Centre
Castle Hill Avenue
Folkestone
Kent CT20 2QY
www.shepway.gov.uk

Your Ref:
Our Ref: SDC/draft CILCS/Feb15
Direct Dial: 01303 853364
Fax:
E-Mail: planning.policy@shepway.gov.uk
Date: 06 February 2015

Folkestone
Hythe & Romney Marsh
Shepway District Council



Circulation to:
Planning and Building Control Agents, Surveyors, Estate Agents, Architects and Other Planning / Property Advisers

Dear Colleagues,

**Shepway District Council Community Infrastructure Levy (CIL)
Public Consultation: Draft CIL Charging Schedule
Monday 9th February, to 5pm Monday 23rd March 2015**

I am writing to inform you that on Monday 9th February, Shepway District Council will commence its public consultation on a draft Community Infrastructure Levy (CIL) Charging Schedule. The consultation period lasts for a 6 week period, until 5pm on Monday 23rd March 2015. This represents the final formal consultation on the development and introduction of CIL in the district, before the draft Charging Schedule is submitted to the Planning Inspectorate for Examination in Public.

The Council is inviting comments and representations from residents, businesses, parish and town councils, neighbouring local authorities, the County Council, developers and the development industry, and any organisation or person that may have an interest in CIL and the proposals set out by the draft CIL Charging Schedule.

You may be aware that CIL is a new charge that local authorities can levy on new developments in their area. It has been introduced by Government as their preferred approach for developers to provide funding contributions toward the infrastructure required to support developments in an area. A scaled back system of section 106 planning obligations will however continue to remain in operation once CIL comes into effect.

A copy of the draft CIL Charging Schedule is enclosed for your attention. The Charging Schedule along with supporting documents, including a draft Regulation 123 List, CIL and Whole Plan Economic Viability Study, and a Core Strategy Local Plan draft infrastructure assessment and delivery plan, can also be viewed via the following web site address:
<http://www.shepway.gov.uk/content/view/201786/206/>

Hard copies of the consultation document and supporting information are available to be viewed at: **Shepway District Council Civic Centre, Castle Hill Avenue, Folkestone CT20 2QY; and at the District's libraries.**

Comments and representations on the draft Charging Schedule, supporting documents including the draft Regulation 123 list, and related matters should be made in writing, and sent by email or by post to the following addresses:

Shepway District Council
Civic Centre, Castle Hill Avenue, Folkestone, Kent, CT20 2QY
Telephone: (Switchboard) 01303 853000
E-mail: sdcs@shepway.gov.uk
DX 4912 Folkestone

www.shepway.gov.uk

By email:

Planning.policy@shepway.gov.uk

(with 'CIL Consultation' in the subject line)

By post:

Draft CIL Charging Schedule Consultation
Shepway District Council
Planning and Building Control
Planning Policy
Civic Centre, Castle Hill Avenue
Folkestone, Kent
CT20 2QY

Any person making representations on the draft Charging Schedule and / or associated documents, may request the right to be heard at the examination in public that follows this consultation. Persons making representations can also request to be notified of progress on the submission of the Charging Schedule for examination in public; the publication of the examination recommendations; and the adoption of the Charging Schedule by the Council.

Should you have any queries on the consultation, please use the contact details given at the top of this letter.

The Council greatly appreciates your consideration of the draft Charging Schedule and supporting documents, and welcomes your views.

Yours faithfully

Chris Lewis
Head of Planning

Appendix 5: CIL Webpage

<http://www.shepway.gov.uk/content/view/full/201786/206/>

Community Infrastructure Levy

CONSULTATION ON: DRAFT COMMUNITY INFRASTRUCTURE LEVY (CIL) CHARGING SCHEDULE Monday 9th February, to 5pm Monday 23rd March 2015

Community Infrastructure Levy

The purpose of the Community Infrastructure Levy (CIL) is to raise funds to help pay for the infrastructure that's required to support development.

The scope of CIL is governed by CIL regulations initially introduced in 2010 and further amended in 2011, 2012, 2013 and 2014. All Local Authorities wishing to introduce CIL have to pay due regard to these regulations.

On adoption by a Local Authority, CIL is payable by liable developments as defined by a CIL Charging Schedule. CIL will also replace most section 106 contributions for wider infrastructure needs, apart from those related to site specific mitigation measures and affordable housing.

The Planning Act (2008), which introduced CIL, gives a wide definition of the types of infrastructure that it can help to fund, including – transport, education, flood defences, community facilities, parks, green spaces and play spaces.

Further information on CIL is available from the Government's Department of Communities and Local Government, via their website as follows:

[Communities and Local Government website](#)
[Consultation on Draft CIL Charging Schedule](#)

Shepway District Council approved a Draft CIL Charging Schedule for consultation, at its meeting of 21st January 2015. The consultation runs for 6 weeks from the 9th February to 23rd March 2015.

Members of the public, local communities, Parish and Town Councils, developers, property sector and other businesses, and interested organisations, are invited to review the Draft CIL Charging Schedule and supporting information, including a draft Regulation 123 list. Comments and representations should be submitted in writing by 5pm Monday 23rd March.








As per the process set out by the CIL Regulations 2010 (as amended), this CIL consultation follows on from the summer 2014 Preliminary Draft Charging Schedule (PDCS) consultation. Comments and representations received in response to the first consultation are detailed in the CIL PDCS Consultation Statement document (see document download link below), which also indicates how they have informed the Draft CIL Charging Schedule.


Consultation Documents and Supporting Information


The consultation documents and supporting information can be downloaded via the following PDFs:


Draft CIL Charging Schedule  [Shepway DC Draft CIL CS \(Jan15\)](#)


Draft CIL Charging Schedule Maps:


- Appendix 1: CIL residential zones  [Shepway draft CIL CS - appendix 1](#)
- Appendix 2: CIL residential zones - Folkestone  [Shepway draft CIL CS - appendix 2](#)
- Appendix 3: Folkestone Town Centre retail & commercial area  [Shepway draft CIL CS - appendix 3](#)
- Appendix 4: Strategic development sites:
 -  [Appendix 4 - CSLP policy ss6](#)
 -  [Appendix 4 - CSLP policy ss7](#)
 -  [Appendix 4 - CSLP policy csd8](#)
 -  [Appendix 4 - CSLP policy csd9](#)



Shepway draft Regulation 123 list  [Shepway DC Draft R123 List \(Jan2015\)](#)

Shepway draft CIL Instalments policy  [Shepway DC Draft CIL Install Policy \(Jan15\)](#)


Shepway draft CIL payments in kind policy  [Shepway DC Draft CIL Pay in Kind Policy \(Jan15\)](#)

CIL Regulation 16 Statement of Representations Procedure  [Shepway DC CIL R.16 Statement](#)

CIL PDCS Consultation Statement  [Shepway DC CIL PDCS cons statement \(Dec14\)](#)

CIL & Whole Plan Economic Viability Study  [Shepway CIL&WPVS \(July14\)](#)  [Shepway CIL&WPVS appends \(July14\)](#)

CIL Viability Study - Supplementary Report  [Shepway DC - CIL, Supp Viability report \(Jan15\)](#)

Draft Infrastructure Needs Assessment & Delivery Plan  [Shepway DC draft IDP \(Jan15\)](#)

Hard copies of the above documents can also be viewed at the following locations during normal opening hours:

- Shepway District Council, Civic Centre, Castle Hill Avenue, Folkestone CT20 2Q
- Cheriton Library; Folkestone Library; Hythe Library; Lydd Library; Lyminge Library; New Romney Library; Sandgate Library; Wood Avenue Library

How to Send Comments and Representations on the Draft CIL Charging Schedule

Please submit your comments and representations on the Draft CIL Charging Schedule in writing by one of the following means:

- By email to - planning.policy@shepway.gov.uk (with 'CIL consultation' in the subject bar)
- By post to - Draft CIL Charging Schedule Consultation, Shepway District Council, Planning Policy, Civic Centre, Castle Hill Avenue, Folkestone CT20 2QY

Please note the consultation runs from Monday 9th February, to 5pm Monday 23rd March 2015. Responses received after the closing date may not be considered.

Please also note that all representations made in response to the Draft CIL Charging Schedule must be submitted to the Examiner, together with a summary of the main issues raised, as part of the Examination in Public process, which follows this consultation. Therefore comments cannot be treated as confidential and will be made available as public documents (personal addresses will however, not be made publically available).

Requesting Further Notifications

In accordance with the CIL Regulations, any organisations or person making representations may request that they be notified at a specified address, of any of the following:

- That the Draft CIL Charging Schedule has been submitted to the examiner in accordance with section 212 of the Planning Act 2008;
- The publication of the recommendations of the examiner and the reasons for those recommendations; and
- The approval of the CIL Charging Schedule by the Council.

If you would like further notification of the above matters, please state this in your written response to the Draft CIL Charging Schedule.

Next Steps, CIL Timescales and Further Information

The Draft CIL Charging Schedule, supporting information and all representations received, will be submitted to the Planning Inspectorate for independent examination. Organisations and individuals submitting representations will also have the right to be heard at the Examination in Public (EIP), which follows this consultation. Although no exact time can be given at this stage, the Council will aim for a late spring / early summer 2015 date for the EIP.

At the earliest, the Council may therefore be in a position to consider the adoption of a CIL Charging Schedule during the latter part of summer 2015.

For further information, please contact the Council's Planning Policy Team on tel.no: 01303 853364; or by email at: planning.policy@shepway.gov.uk

Created : Thu, 12 Jun 2014

Updated : Fri, 05 Feb 2015

Appendix 6: Press Notice

PLANNING ACT 2008 (AS AMENDED)
COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (AS AMENDED)
NOTICE OF REGULATION 16 PUBLIC CONSULTATION ON THE
SHEPWAY DRAFT COMMUNITY INFRASTRUCTURE LEVY (CIL)
CHARGING SCHEDULE AND STATEMENT OF REPRESENTATION PROCEDURE

Shepway District Council hereby gives notice that it is preparing a Community Infrastructure Levy (CIL) Charging Schedule for the whole of the district. As part of the process, a draft CIL Charging Schedule, which sets out the proposed CIL rates applicable to new developments, will be issued for consultation. Representations are therefore invited on the draft Schedule.

The consultation commences on Monday 9th February and ends at 5pm on Monday 23rd March 2014. Responses received after this date will not be considered. Representations should be made in writing, and should be sent by email or post to the following addresses:

- Email to: planning.policy@shepway.gov.uk (with 'CIL consultation' in the subject bar)
- By post to - Draft CIL Charging Schedule Consultation, Shepway District Council, Planning & Building Control, Planning Policy, Civic Centre, Castle Hill Avenue, Folkestone CT20 2QY

Any person making representations on the draft Schedule and / or associated documents, may request the right to be heard at the examination in public that follows this consultation. Persons making representations can also request to be notified of progress on the submission of the Charging Schedule for examination in public; the publication of the examination recommendations; and the adoption of the Charging Schedule by the Council.

The draft CIL Charging Schedule and supporting documents are available for viewing online at - <http://www.shepway.gov.uk/content/view/201786/206/>; or as hard copy documents at the following locations during normal opening times:

Location	Address
Shepway District Council	Civic Centre, Castle Hill Avenue, Folkestone CT20 2QY
Cheriton Library	64 Cheriton High Street, Folkestone CT19 4HB
Folkestone Library	2 Grace Hill, Folkestone CT20 1HD
Hythe Library	1 Stade Street, Hythe CT21 6BQ
Lydd Library	Skinner Road, Lydd, Romney Marsh, TN29 9HN
Lyminge Library	Station Road, Lyminge, Folkestone CT18 8HS
New Romney Library	82 High Street, New Romney TN28 8AU
Sandgate Library	Sandgate High Street, Sandgate, CT20 3RR
Wood Avenue Library	Wood Avenue, Folkestone CT19 6HS

For further information please see the District Council's website, or contact the Planning Policy Team on Telephone: 01303 853364; or by email - planning.policy@shepway.gov.uk



Appendix 7: CIL Consultation Contact List

Action with Communities in Rural Kent
A Scott Ltd
Acrise Parish Council
Affinity Water Ltd
Airport Operators Association
Akehurst Homes
Alliance Environment & Planning Ltd
Anthony Hicks & Co
Applied Renewable Energy Ltd
Arena Racing Company Ltd
Asda Stores
Ashford Borough Council
Association of Local Councils
Barton Willmore
Better Places
Big Jigs Toys
Bishop Consultancy Limited
Blackstone Homes
Bluewater Caravan Park
BNP Paribas Real Estate
Bouveie Place
Bovis Homes
Brenzett Parish Council
Brian Uden Ltd
British Asian Association
British Energy Plc
British Geological Survey
Brookland Parish Council
Browns, Hawkinge
BT Open Reach
Bucket and Spade
Burmarsh parish Council
Buzzlines
C R Child & Partners, Hythe
Cabterbury City Council
Camland Developments
Canterbury Christ Church University

CDSP Ltd
CGMS
Champion Ltd
Champion & Co, Hythe
Charlier Construction
Cheney Thorpe & Morrison
Church and Dwight
Clagues
Clive Tidmarsh, Design Architecture & Planning
Cognitive Media
Colin Bett Ltd
Copy Link/FITA
Country Land and Business Association
Courtley Consultants Ltd
CPRE - Protect Kent
Creative Foundation
Crown Estate
CSDP
Cycle Shepway
CYMA Architects
Damian Collins MP
Defence Infrastructure & Land Management Services
Deloitte
Department of Transport
DHA Planning
Discover Folkestone, Hythe and Romney Marsh
Dover District Council
Drivers Jonas Deloitte
DTZ Development Consulting
Dymchurch Parish Council
East Kent Housing
East Sussex County Council
EDF Energy
Elham Parich Council
Elmsted Parish Council
English Heritage
Environment Agency
Eurotunnel
Federation of Small Businesses
Fell Reynolds

FHDHCA
Fields in Trust
Folkestone Harbour Company
Folkestone Town Centre Management
Folkestone Town Council
Folkestone, Hythe and District Association of Surveyors, Valuers, Auctioneers and Estate
Geoconservation Kent
Geoff Love Ltd
George Denny Ltd
Gladman Group
Godden Allen Lawn
GOPAK
Gregory Gray Associates
Guy Hollaway Architects
GVA
Hallam Land Management Limited
Hawkinge Town Council
Highways Agency
Hobbs Parker
Holiday Extras
Home Builders Federation
Homes & Communities Agency
Humberts Leisure
Hume Planning Consultancy
HV Wooding
Hythe Care Homes
Hythe Chamber of Commerce & Tourism
Hythe Town Council
Iceni Projects
Ivychurch Parish Council
Jacksons Fencing
Jenner Homes
John Floydd & Co
John Macmillian Associates
John Verkaik Ltd
Jones Lang LaSalle Limited
KCC Shepway members (all)
Keith Barker Ltd
Kent Channel Chamber of Commerce
Kent County Council

Kent Developers Group
Kent Downs AONB
Kent Fire & Rescue Service
Kent Nature Partnership
Kent Planning Ltd
Kent Police
Kent Wildlife Trust
Kentish Homes Ltd
Kingston Homes
Lcl surveyors
Lee Evans & Co
Leisure Republic
Lydd Airport
Lydd Town Council
Lyminge Parish Council
Lympne Parish Council
Magnox
Maidstone Studios
Marine Management Organisation
Marsh Forward Development Trust
McCarthy & Stone
Milbrooke Printers
Moat Housing Group
Monks Horton Parish Council
Mono Consultants Ltd
Morrisons Supermarkets
Mouchel Estates
Murston Construction Ltd
Natural England
Network Rail
New Romney Town Council
Newchurch Parish Council
Newington Parish Council
NHS Property Services
Nick Highton Ltd
Nigel Seymour Ltd
Old Romney Parish Council
Open Spaces Society
Orbit Housing Association
Paddlesworth Parish Council

Paul Noad Associates
Paul Roberts Associates
Pentland Homes
Persommon Homes
Peter Spiller Ltd
Petham
Phides Estates
Port Lympne Wild Animal Park
Postling Parish Council
PRP Architects
Quinn Estates
Realia
Reeds Rains, Folkestone
Richard Daniels & Co
Roger Joyce Associates
Romney Marsh Potato Company
Romney Resource Centre
Romney, Hythe & Dymchurch Railway
Rother District Council
RPC Land and New Homes
RSPB
SAGA Group Ltd
Sainsburys
Saltwood Parish Council
Sanctuary Housing Association
Sandgate Parish Council
Sandgate Society
Savills
Scott Wilson
Screen South
Sellindge Parish Council
Servo Connectors
Shepway District Council members (all)
Shepway Environment and Community Network
Sleeping Giant Media
Smith Woolley & Perry
Smiths Gore, Maidstone
Snargate Parish Council
South East LEP
Southeastern Railways

	Southern Water
	Sport England
	St Mary in the Marsh Parish Council
	Stagecoach
	Stanford Parish Council
	Stelling Minnis Parish Council
	Stowting Parish Council
	Strutt & Parker, Canterbury
	Stuart Ingleston Ltd
	Sustrans
	Swingfield Parish Council
	Taskmasters UK
	Taylor Wimpey
	Terry Dowding Ltd
	Tescos
	TG Designer Homes
	Thanet District Council
	The London Planning Practice
	The Planning Inspectorate
	The Woodland Trust
	The Workshop
	Tim Campbell Associates
	Tim Parrett Ltd
	Tom Quaye Ltd
	Town & Country Housing Association
	Triflex
	Waitrose Ltd
	Walker Construction
	Walker Construction
	Ward Homes
	Wealden Homes
	West Design Products
	Wheelchair Users Group
	YOUR MOVE, Hythe

Appendix 8: Representations

CIL DCS 001



Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

T +44 (0)300 123 1032
F +44 (0)191 376 2689
www.gov.uk/mmo

By email:
planning.policy@shepway.gov.uk

Our reference: 977

12 February 2015

Dear Sir/Madam,

Re: Shepway District Council Community Infrastructure Daft Charging Schedule

Thank you for inviting the Marine Management Organisation (MMO) to comment on the above consultation. I can confirm that the MMO has no comments to submit in relation to this consultation.

If you have any questions or need any further information please just let me know. More information on the role of the MMO can be found on our website www.gov.uk/mmo

Yours sincerely

Angela Gemmill
Relationship Manager

E stakeholder@marinemanagement.org.uk

CIL DCS 002

From: David Hill [David.Hill@cla.org.uk]
Sent: 18 February 2015 11:42
To: Planning Policy
Subject: Community Infrastructure Levy - Public Consultation on the Revised Submission Charging Schedule - February 2015

Dear Sirs

Thank you for your inviting the CLA to comment on the preliminary draft charging schedule for the Shepway District Council community infrastructure levy.

The Country Land and Business Association (CLA) is a national organisation embracing the owners and occupiers of all types of rural land and business in England and Wales. It represents the interests of the owners of some 35,000 land holdings and rural businesses.

Shepway District Council is part of the area covered by the South East Region of the CLA. Kent CLA members include rural businesses and owners of land of every size and type of holding, from estate owners to the smallest land holding of less than a hectare. The membership encompasses all traditional agricultural and forestry enterprises from the most sophisticated dairy and arable enterprises, pigs and poultry and more extensive livestock systems. The majority of our landowning membership is made up of family farm owner-occupiers many of whom have diversified into other business activities in response to the downturn in farm incomes.

The CLA also represents the interests of owners of other types of rural businesses including: forestry enterprises, mineral and aggregate operators and owners, hotels, golf courses, tourist enterprises, equestrian establishments, a myriad of small rural enterprises and also institutional land owners such as water companies, pension funds, and development companies. Our members have businesses in rural Kent and most live in its rural communities and villages.

The CLA represents the wide diversity of the rural community. We are glad to have the opportunity to comment on the Draft Charging Schedule for CIL.

The CLA comments are as follows:

1. Rural Non-Residential Charges

The CLA supports Shepway District Council's decision to impose a nil-rate CIL rating on non-residential and smaller scale commercial development, which we would take to include agricultural or forestry, employment and commercial development, as these are important areas for rural landowners and farmers to diversify into in order to support their farming and forestry enterprise. In addition, farmers and landowners are often forced to upgrade their buildings and infrastructure due to legislation with no commercial gain to the enterprise. If a CIL is imposed on these types of enterprise it would have had a major impact on the farming and rural business community, who would have been unable to afford the increased cost of the development due to the CIL.

CIL charges would make these developments unviable; regeneration would be stifled and sustainability of the rural areas in Shepway District Council would be adversely affected, by making them less economically viable; particularly in the current climate where rural workshops and offices are difficult to let especially where broadband connection is poor.

2. Rural Residential Charges

The CLA is concerned about the significant increase in levy in Zone D as compared to Zone A and B, but recognises that the latter are a priority for the attraction of development. Notwithstanding this difference, the CLA welcomes the lower charges to be imposed in these rural areas where development can be financially marginally and is often stifled by planning restriction.

It is our view that higher charges will act as a significant disincentive for development in rural areas. In addition, we are concerned to see no relief on affordable, key worker or tied dwellings.

3. Infrastructure Spending Proposals

As the proposed infrastructure spending has a strong urban bias, particularly in Folkestone, it is our view that the market housing in rural areas is being used to subsidise the increased infrastructure required for development of Shepway District by charging areas outside of urban areas, such as zone D.

The CLA feels strongly that all developments being requested to contribute to infrastructure should have the opportunity to negotiate the level of payment depending on what a community/area needs.

4. Payment Dates on CIL amounts

The CLA is concerned about the due date for CIL payments being the commencement of developments. For rural development in particular, development projects are often marginal and cashflow issues can stifle development. The CLA's view is that the payment due date should be tied to the completion and the project or occupation of the relevant buildings to reflect the financing issues faced by many rural developers, especially of smaller scale.

5. Payment in Kind

The provision for payment in kind is welcomed by the CLA. Whilst it is recognised that reaching agreement on such works might be complicated, it is seen as a progressive step and recognises the positive input that (particularly), rural businesses can have on the communities.

6. Development for rental market

The CLA would like to know what will happen where landowners decide to build houses to keep within their long term ownership (build to rent), to diversify their income through a residential portfolio of properties. There are no capital receipts from which to fund a CIL charge, rather the CIL charge would have to be met from existing revenues which the land manager is trying to improve by diversifying to obtain an alternative rental income stream. In this case we believe the Council should be more flexible in their approach for the payment of CIL for example not charging the CIL if a legal agreement is given that the new property would remain available for private rental for a period of at least 5 years.

7. Houses for Essential Workers

The CLA has concerns that there is no allowance for housing needed for rural businesses such as agricultural, forestry and other essential rural workers. The CLA

would like clarification that these dwellings will be treated the same as affordable housing, **with a nil rate set for CIL**. Our view is that the CIL should not apply to these dwellings which will have been justified as a requirement for the business.

Yours sincerely

David Hill

David Hill
Rural Surveyor
Hikenield House
East Anton Court
Icknield Way
Andover
SP10 5RG

T: 01264 313434 M: 07702 928839

F: 01264 369196 E: David.Hill@cla.org.uk



The CLA is the membership organisation for owners of land, property and businesses in rural England and Wales. For information on our work and how to join online, visit www.cla.org.uk

The Advisory Services are made available to members on the basis that a member's rights to compensation and the liability (if any) of CLA and its officers and/or its staff advisers, are restricted in the following ways. In the event of any advice given by any CLA staff adviser being given negligently or otherwise being incorrect no liability whatsoever is accepted by CLA or its officers or by its staff advisers concerned (a) towards any person who is not the current CLA member to whom the advice was directly given, (b) to any person in respect of consequential loss or loss of profits, or (c) to any person for any sum exceeding £50,000 in respect of any one enquiry (whether made or responded to orally or in writing and whether dealt with at one time or over a period of time).

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CIL DCS 003

From: Vanessa Evans [Vanessa.Evans@kentwildlife.org.uk]
Sent: 18 March 2015 14:43
To: Planning Policy
Subject: Draft CIL Charging Schedule

Dear Mr Lewis,

Kent Wildlife Trust thanks you for the opportunity to comment upon the Draft CIL Charging Schedule. We have no further comments to make.

Kind regards
Vanessa Evans

CIL DCS 004

From: Tina Wiles [clerk@hawkingepc.org.uk]
Sent: 09 March 2015 16:09
To: Planning Policy
Subject: CIL Consultation

Good afternoon

Please see response from Hawkinge Town Council in respect of the CIL consultation:

Consultation Response CIL Charging Schedule - March 2015

The Council notes that Towns and Parishes will receive their own portion of CIL income to spend on the infrastructure they want and that in areas with no Neighbourhood plan this will be 15% and 25% if there is a neighbourhood plan and that the list of CIL will be published annually by the District Council.

Kind regards

Lynne

Lynne Martin
Administrative Officer

Town Council Offices
Hawkinge Community Centre
Heron Forstal Avenue
Hawkinge CT18 7FP
Tel 01303 893928

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CIL DCS 005

creating a better place



Shepway District Council
Civic Centre Castle Hill Avenue
Folkestone
Kent
CT20 2QY

Our ref: KT/2006/000338/OR-08/PO1-L01
Your ref:
Date: 19 March 2015

Dear Sir/Madam

**Shepway District Council Community Infrastructure Levy (CIL)
Public Consultation: Draft CIL Charging Schedule**

Thank you for consulting us on your draft CIL Charging Schedule. We have no comments to make on your draft schedule.

We note that you have produced your draft Regulation 123 List (draft: January 2015). We are pleased that flood defences and other environmental infrastructure appear on this list.

If you have any queries, please do not hesitate to contact me.

Yours faithfully

**Ms Jennifer Wilson
Planning Specialist**

Direct dial: 01732223272
Direct e-mail kslplanning@environment-agency.gov.uk

Environment Agency
Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH
Customer services line: 08708 508 508
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk



CIL DCS 006



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info@planningpotential.co.uk

CIL DCS Consultation
Shepway District Council
Planning and Building Control
Planning Policy
Civic Centre, Castle Hill Avenue
Folkestone, Kent
CT20 2QY

19th March 2015

Our Ref: RS/14/2105

Dear Sir / Madam,

COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE CONSULTATION – RESPONSE BY ALDI STORES LTD

We write on behalf of our client, ALDI Stores Ltd, in respect of the Community Infrastructure Levy Draft Charging Schedule (DCS), which is open for consultation until 23rd March 2015. We previously provided comments in respect of the Preliminary Draft Charging Schedule (PDCS) in late 2014, and now provide further comments on the DCS, in light of the Supplementary Viability Report (January 2015) by DSP.

We acknowledge the changes made to the schedule in respect of retail charge rates, in particular the exemption of new retail floorspace within Folkestone Town Centre, which we fully support. We are also supportive of the undertaking further appraisals based on different scales of retail floorspace, which we had requested be undertaken.

Without repeating our previous comments on the charging schedule, it is important to nonetheless provide further comment in light of the new evidence and rationale provided.

Firstly, in promoting the introduction of a 2,500 sqm floorspace threshold to differentiate between different formats of retail development, we wish to clarify that the threshold level proposed is not an arbitrary figure. The suggested level of 2,500 sqm represents the NPPF-defined threshold for when the impacts of new development may, on balance, become significant. This figure is reflective of larger supermarket formats that may be considered to have the greatest potential retail 'impact'.

The figure therefore has greater relevance than other figures that may, more reasonably, be considered arbitrary. It remains our view that further differentiation between retail formats is essential. Without the charging schedule becoming 'overly engineered' to particular trading formats, the introduction of a second floorspace threshold would provide a practical solution to differentiate between Limited Assortment Discounters and larger supermarket formats.

We strongly remain of the view that introducing a charging schedule that is based on a retail format and trading densities that are materially different to an LAD - but which they would still be liable for - unfairly prejudices against such formats and creates a commercial advantage for larger supermarket operators.

We acknowledge the point made at paragraph 2.12 that the viability of different development schemes is driven by a range of site specific characteristics, but it is the case that the prospective CIL charge rate is a key factor when assessing viability, and a single blanket charge rate still has

Directors:
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Consultant:
Caroline Dawson BA (Hons) DMS MRTPI
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Rob Scadding BA (Hons) PG Dip MRTPI
Katie Turvey BA (Hons) MA TP MRTPI
Heather Vickers BA (Hons) MSc MRTPI

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the potential to have disproportionate impacts. If a single charge rate is proposed for all retail formats above 280 sqm, then the rate should be lowered to reduce potential impacts on viability.

The Supplementary Viability Report suggests there is a risk of 'over-complicating' the Charging Schedule, but we strongly believe that this should not be to the detriment of ensuring fairness within the proposed rates. In contrast, there is also significant danger of over-simplifying the matter, to the detriment of investment opportunities within the District. We again draw reference to paragraph 37 the CIL Guidance (April 2013), which states "*charging schedules should not impact disproportionately on particular sectors or specialist forms of development*".

To reiterate, whilst we fully support some of the changes made following consultation on the PDCS, we remain of the view that more is required to ensure that the full spectrum of potential types of development in the District are fairly and accurately represented in the adopted charging schedule. ALDI have a specific requirement for a second foodstore in the District and are working to identify suitable development opportunities; however the imposition of a charge rate that would impact more greatly on ALDI and other LADs than on larger supermarkets typical of the 'Big 4' operators may ultimately impact on the appetite to deliver beneficial investment.

Yours sincerely

PAUL GALGEY

PLANNING POTENTIAL

CIL DCS 007

20 March 2015

CIL Draft Charging Schedule Consultation
Shepway District Council
Planning and Building Control
Planning Policy
Civic Centre, Castle Hill Avenue
Folkestone, Kent
CT20 2QY

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Innovation Court
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T: +44 (0) 121 633 3733
savills.com

Dear Sir / Madam

Draft Charging Schedule Consultation Representation on behalf of Ellandi LLP

We are instructed by Ellandi LLP (herein referred to as Ellandi) to submit our observations on the Shepway Community Infrastructure Levy Draft Charging Schedule (DCS), which has been published for consultation until 23 March 2015.

Savills previously submitted detailed representations to the Preliminary Draft Charging Schedule (PDCS) in October 2014, to which the Council has responded in its Summary of Responses and Representations published with the Draft Charging Schedule. Ellandi's response is identified under SDC reference CIL PDCS-005.

Proposed Retail Rates – Folkestone Town Centre

Following our representations to the Shepway Community Infrastructure Levy Preliminary Draft Charging Schedule (PDCS) in October 2014, we welcome the amendments that have been made to the Draft Charging Schedule in relation to the proposed rates for retail development. We can confirm that as written these address previous concerns raised in relation to the definition (location, type and scale) of chargeable retail development within Shepway. Accordingly, we fully support the identification of a separate charging zone for retail development within Folkestone Town Centre and the setting of a rate of £0 per sqm for all convenience and comparison retail and other development akin to retail within this area.

Proposed Residential Rates – Folkestone Town Centre

Ellandi recognise the importance of residential development in terms of its contribution to the vitality and viability of town centres. As such, and having regard to the available evidence which would suggest that proposals for residential development in the Town Centre could be rendered unviable through the introduction of CIL, we welcome the fact that the Local Authority has maintained the identification of separate charging zones for residential development within the Draft Charging Schedule and support a nil rate for such development within Zone A which includes Folkestone Town Centre.

Draft Regulation 123 List

We welcome the publication of a Draft Regulation 123 List alongside the CIL Draft Charging Schedule. However, we do have initial concerns regarding the level of detail it includes. At present the types of infrastructure listed as being considered for support through CIL receipts is wide-ranging and refers to generic infrastructure types such as, business infrastructure, public realm enhancements and community

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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safety, as opposed to specific projects which are necessary to enable the delivery of Plan-led development. Accordingly, it is not considered that the Regulation 123 list provides sufficient definition about which infrastructure projects will be provided through CIL and which will rely on Section 106 contributions.

We would welcome further clarity on what is to be funded through the Draft 123 List and S106 contributions and look forward to this being addressed by the Council in advance of the Charging Schedule being submitted for Examination.

We trust these comments are helpful and we wish the right to be notified when:

- the DCS is submitted to the Examiner in accordance with Section 212 of the PA 2008;
- the recommendations of the Examiner and the reasons for these recommendations are published; and
- the Charging Schedule is approved by the charging authority.

Yours faithfully

Matthew Williams
Director

CIL DCS 008



20th March 2015

Draft CIL Charging Schedule Consultation
Shepway District Council
Planning and Building Control
Planning Policy
Civic Centre
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Kent CT20 2QY

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F: +44 (0)20 7911 2560

gva.co.uk

Direct Dial: 020 7911 2153
Email lakis.pavlou@gva.co.uk

Dear Sirs

DRAFT CIL CHARGING SCHEDULE

We act on behalf of Taylor Wimpey, a major UK housebuilder who are extremely active within the District and set out below our comments on the various aspects of the Draft CIL Charging Schedule.

Draft Instalment Policy

Whilst we appreciate that the draft instalment policy will not form part of the draft CIL Charging Schedule examination in public, we fully support the principle of the Policy as it will increase the viability of future development schemes.

We support the principle of full payment within 60 days of the commencement date, where the chargeable amount is less than £50,000; For sums more than £50,000 but less than £100,000, whilst we support the principle of two instalments being allowed with the first instalment representing 50% of the chargeable amount being required within 60 days of the commencement date, we are of the opinion that the second 50% of the chargeable amount should be required within 180 days, not 120 days.

Where the chargeable amount is over £100,000, we strongly urge a phased approach is adopted using the principle of the three instalment policy. We suggest these should be altered as follows:

For each phase of development the first instalment representing 25% of the chargeable amount to be required within 60 days of the commencement date;
For each phase of development the second instalment representing 25% of the chargeable amount should be required within 180 days of the commencement date; and
For each phase of development the third instalment representing 50% of the chargeable amount should be required within 360 days of the commencement date.

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Draft Payments in Kind Policy

Whilst we appreciate that the draft Payments in Kind Policy will not form part of the draft CIL Charging Schedule examination in public, we fully support the principle of the Policy.

In terms of the interest in the land or properties to be transferred, we would request that this could either be on the basis of a long leasehold interest or freehold interest. We would also advise that this should include the provision of play-space, public open space and commuted sums for maintenance of open space areas.

Draft Infrastructure Assessment & Delivery Plan

In Appendix 2, Critical Infrastructure, Taylor Wimpey have agreed to provide the land required for the new primary school on Strategic Site SS7 and make a capital contribution of £3,143,222 towards the construction of the new primary school.

On Strategic Site CSD9, whilst the contribution that Taylor Wimpey have agreed to make is correct, they have also had to acquire third party land in order to be able to transfer the land to KCC. These Costs should therefore allow for the entire costs of providing the land and building the schools.

Within the Necessary Infrastructure – transport costs, all those that relate to Shorncliffe Garrison have recently been updated and therefore the costs stated should be amended.

Exceptional Circumstance Relief Policy

We note that the Council are still not promoting an Exceptional Circumstance Relief Policy. We believe this is a mistake and should be re-considered as there may be sites within the District that could only come forward on the basis of such a Relief Policy. As the CIL regulations allow the Council to introduce such a policy at any stage, we would expect the Council to keep this under review as part of their monitoring process and look to bring in such a policy if required.

Discretionary Relief from CIL

We support the Council's policy on Discretionary Relief.

Monitoring and Review

We support the Council's intentions on the monitoring and review and would expect the Council to act immediately in the event of a market / economic downturn.

Proposed CIL Rates and Zones

Table 1

We object to the proposed CIL charging rates for Zones B, C & D for residential development as we believe these have been set at too high a rate and will therefore impact on the viability and deliverability of residential schemes. Schemes will not be able to afford to provide 30% affordable housing and pay the suggested CIL charging rates.

We have reviewed the CIL and Whole Plan Economic Viability Assessment report prepared by Dixon Searle in July 2014 and their Supplementary Viability Report dated January 2015.

Development Scenarios

In terms of the residential development scenario's, we have no issues with the residential scheme types assessed, but the range of apartment unit sizes assumed is smaller than the market is currently delivering and not comparable to the market values assumed in Appendix 1 of the July 14 report. Those values in our experience are only achieved for larger 1 and 2 bedroom apartment units. Using these values with smaller units has the effect of underestimating the construction costs in the various appraisals.

Residential Sales Values

In terms of the residential sales values being achieved, there are very few examples of new build properties achieving the higher end of the range of VL9 –VL12 of £3,350 to £4,200 per sqm. These are normally only secured on very selective small plots in small exclusive areas and should not be used to correlate across large areas of the District or apply to larger schemes.

From looking at all the comparable sales information available within the District, we disagree with the contents of Figure 6: Indicative Settlement / Locality Relationship to Value Level. Areas have been allocated to value zone which are simply not achievable or appropriate, based on the evidence and housing delivered over the recent past.

We are of the opinion that:

New Romney & Littlestone should be within VL1, VL2 & VL3 only.

Folkestone 2, Dymchurch, Burmarsh & Hawkinge should also be included within VL1.

Rural 1 & Folkestone 3 should be within VL2, VL3 & VL4 only.

Rural 3 & Hythe should be within VL4, VL5 and VL6.

Rural 4 & Folkestone 4 should be within VL5 & VL6.

Rural 5 should be within VL6, VL7 and VL8.

The value ranges suggested above are in line with the current market and should be used to inform the analysis for the CIL rates. Using VL9-VL12 over-estimates the sales values within the appraisals and will lead to the wrong conclusions being made.

Construction Costs

In terms of the level of construction costs used, we agree that these should be derived from the RICS Building Cost Information Service (BCIS) for Shepway District. However, over the past 9 months, the industry has seen a large increase in construction costs as result of material and labour shortages.

We compare below the costs used by Dixon Searle to the BCIS figures for November 2014

SCHEME	BCIS JULY 14	BCIS NOV 14	INCREASE
Houses - mix dev	£916 sqm	£1,039 sqm	£123 sqm (13%)
Houses – 3 units or less)	£1,302 sqm	£1,475 sqm	£173 sqm (13%)
Flats – generally	£1,056 sqm	£1,190 sqm	£134 sqm (12%)
Flats – 6+ storey	£1,323 sqm	£1,520 sqm	£197 sqm (15%)

As can be seen, the actual increase in construction costs from July to November 2014 is the same rate or higher than the highest CIL rate proposed.

You then have to factor in the allowances for externals which are typically between 15% and 20% of base build cost, plus professional fees and contingencies. The net effect of this is to seriously under-estimate the residential construction costs within the appraisals.

Land Values

We note that Dixon Searle have assessed land values between £500,000/ha and £1,200,000/ha to test against their RLVs. On PDL land, they use a land value benchmark of £750,000/ha. In our experience, the PDL is much higher and nearer the £950,000 / ha mark. Even, for greenfield land, there is no differentiation between net and gross areas, as generally there is a requirement to provide substantially more green / open space on these type of developments.

In our view it would be more appropriate to test greenfield land at £700,000/ha, PDL at £950,000/ha and leave the highest value at £1,200,000/ha.

If the appraisals were to be re-run taking into account our market led assumptions on residential sales values and land values and the latest BCIS costs, then allowing for sensitivity testing, the results would show that Residential Zone B would not be able to afford to pay a CIL charge, Residential Zone C would only be able to afford to pay a £50 sq m CIL charge and Zone D would be able to pay a £75 sqm CIL Charge.

The CIL levy should be expected to have a positive economic effect on development across a local plan area. Therefore when deciding the levy rates, an appropriate balance must be struck between additional investment to support development and the potential effect on the viability of developments. As the residential draft charging rate currently stands, it will have a detrimental impact on the viability and deliverability of residential schemes in the District.

Table 2

We support the principle of the Town Centre Area having a nil charge CIL rate, although we believe that this should not include Supermarkets or Retail Warehouses. We therefore suggest that these 2 uses are excluded from the Folkestone Town Centre Area as the evidence suggests they can afford to pay a CIL charge in line with the Rest of District definitions in the table.

Table 3

We are in agreement that the Key Strategic Sites identified in Table 3 are more appropriately addressed by Section 106 and should therefore have a nil CIL charge rate.

Table 4

We support the contents of Table 4 as we agree the proposed uses could not afford to pay a CIL charge.

We therefore request that consideration is given to reduce the CIL rates as we propose above in order to allow the market to continue to deliver the homes beyond the Strategic Sites needed within the District.

We reserve the right to attend the Examination in Public and be notified when:
The Draft CIL Charging Schedule has been submitted to the examiner in accordance with section 212 of the Planning Act 2008;
The publication of the recommendations of the examiner and the reasons for those recommendations &
The approval of the CIL Charging Schedule by the Council.

We look forward to hearing from you

Yours faithfully

Lakis Pavlou

For and on behalf of GVA

CIL DCS 009



**Kent
Police**

Protecting and serving the people of Kent

**Trevor Hall
Developer Contributions Manager**

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community.infrastructure.levy@kent.pnn.police.uk

Date: 23 March 2015

Ref:

Dear Sirs

Shepway District Council Community Infrastructure Levy (CIL) Public Consultation: Draft CIL Charging Schedule – Consultation Response

Kent Police refers Shepway District Council to the 'CIL Preliminary Draft Charging Schedule' and 'Places and Policies Local Plan' consultation responses which contain many relevant issues to this consultation.

Having due regard to the Draft Regulation 123 List, if it is Shepway District Council's intention to include policing infrastructure under either Health & Social Care Facilities (bearing in mind the NPPF definition of 'Healthy Communities' which is: *'safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and, safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas'*) or Community Safety then Kent Police believes the Draft CIL Charging Schedule is Sound. However, if that is not Shepway District Council's intention then Kent Police objects to the Draft CIL Charging Schedule on the basis it is Not Sound for the following reasons.

A primary issue for Kent Police is to ensure that new development of the proposed scale in the County between now and 2031, which includes the Shepway District Council area, make adequate provision for the future Policing needs of the growing population of Shepway that such developments as indicated within this consultation document will directly generate.

Like many public service providers the police service primary funding is insufficient to be able to add capital infrastructures to support major new developments when and wherever they occur. Further there are no bespoke capital funding regimes for the police service (unlike schools; Health; Highways; etc.) to provide capital investment in policing infrastructure. Capital infrastructure has to be funded by borrowing. However, in a service where over 80% of the budget is staffing related, the Capital Programme can only be used to overcome pressing issues within existing infrastructure (premises upgrade/replacement) or to replace essential equipment infrastructure like vehicles, etc., when life expectancy expires.

This situation has been recognised by the Association of Chief Police Officers nationally for some time and there are public statements which explain the particular funding difficulties related to the police service.

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This is available in
large print on request

- demand for additional Custody facilities including; Cells; Interview Rooms; Consultation Rooms; etc., in order to ensure compliance with statutory obligations relating to the detention and treatment of detainees and other legislative matters;
- additional use of the Police National Database systems to process and store crime records and intelligence;
- additional demand for deployment of Mobile CCTV and other technologies;
- additional demand for access to Local District Policing Teams;
- additional policing cover and interventions in all the areas described when considering staffing and functions above;
- additional uniform/equipment; and.

Kent Police has calculated all the proposed developments and associated population growth within the Shepway administrative area between now (2015) and 2031 will generate a growth in demand for policing services (attendance at scenes, associated investigations, support services, etc.) of c7.5%. Any business projecting that level of growth has either to increase staffing and/or introduce or expand technology in order to meet that demand and customer expectations. Policing is no different and in order to meet the projected growth in demand for policing services the additional infrastructure, as identified, will be required along with funding to procure it. If one adds this growth to that projected in other Districts and Boroughs across the County where, in the main, larger growth (and in some instances significantly larger growth) is projected one can start to understand the issues the residents of Kent (including those within Shepway) will have in relation to accessing policing services if CIL contributions are not forthcoming. As such, in order to meet this demand across the Shepway area, the new and additional infrastructure requirements (as a direct result of the proposed developments and associated projected growth) and the level of contributions required (for the whole projected growth in the administrative area to 2031) would be:

1. 13 new police officers. Please note and to put this into context, to cover one role (999 Response, etc.) over a 24 hour period, 365 days/year requires a minimum of 7 officers.
2. 11 new police staff including PCSOs/Special Constables and other staff that perform 'front line duties' as well as support staff.
3. 6m2 additional custody accommodation (which equates to c1 new and additional cell).

Please note that based upon current projected growth in population Kent Police does not require any additional infrastructure for accommodation for the new staff. The impacts of CSR1 and 2 has meant it has sufficient capacity to accommodate the above additional staff numbers.

4. New staff set/start-up costs which includes, amongst other things:
 - a. Police Officers:
 - i. Uniform and protective equipment;
 - ii. Patrol vehicles;
 - iii. Recruitment costs;
 - iv. Training;
 - v. IT equipment
 - vi. Furniture, fixtures and fittings.
 - b. Police Staff:
 - i. Recruitment costs;
 - ii. Training/induction;
 - iii. IT equipment;
 - iv. Furniture, fixtures and fittings;

- v. Uniform (where applicable – PCSOs; Public Enquiry Officers; etc.)
5. All staff 3 year non recoverable revenue costs to cover staff salaries until central funding is received.

The total contribution required for all proposed development (2015 to 2031) within the Shepway District Council administrative area is £976,462. This is broken down as follows:

1. Provision of 6m2 Custody accommodation to meet the increase in detainees = £27,459.
2. 13 additional police officers:
 - a. Start-up costs (recruitment; training; vehicles; communication equipment; uniform; etc.) = £101,145;
 - b. 3 Year Revenue salary costs (until central funding materialises) = £568,175;
3. 11 additional Police Support Employees:
 - a. Start-up costs (as above) = £36,355
 - b. 3 Year Revenue salary costs (as above) = £243,328

Planning Policy Justifications for Policing Contributions:

The National Policy position to support Kent Police exists in the NPPF:

- securing sufficient facilities and services to meet local needs is a Core Planning Principle [para 17 – *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, **infrastructure** [emphasis added] and thriving local places that the country needs*].

Kent Police advocates without such contributions and/or alternative methodologies by Shepway District Council to show how this will be achieved in relation to policing infrastructure/services if contributions are not forthcoming then this requirement of the NPPF will not be fulfilled. With no other funding available for the police service it will not be possible to provide the additional infrastructure requirements necessary and solely attributable to the scale of development proposed within Shepway. With necessary infrastructure not being provided, by definition the developments would not be sustainable. Shepway District Council may consider the Police Precept as an alternative method of funding for the police service. If this is the case then Shepway District Council should be aware many other local authorities in the County have similar or larger development plans and to meet all the infrastructure need costs resulting from all these developments would require a significant increase in that Precept notwithstanding the income increase generated by the additional dwellings. That increase would not be affordable for the public nor permitted by the Government making such arguments unsound. This is not a funding route option for Kent Police. As such the document is Not Sound.

- environments where crime and disorder and the fear of crime do not undermine the quality of life and community cohesion [Para 58 amongst other matters, states - *Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments: create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion*].

Kent police advocates without the necessary policing infrastructure to support the level of planned development it will be difficult for Shepway District Council to create such safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. There are numerous examples around the County, including within Shepway, where the developments of the 1940s, 50s and 60s led to residents being fearful of becoming a victim of crime and the financial and resource investment, both by Kent Police and the relevant local authorities, to correct the situation was considerable. As such the document is Not Sound.

- planning is to deliver facilities and services that communities need [para 70 – *'To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and, ensure an integrated approach to considering the location of housing, economic uses and community facilities and services'*].

Kent Police advocates that without such contributions Shepway District Council will fail: to deliver the services the communities need and in particular policing services; guard against the unnecessary loss of valued facilities and services, in this case policing services, resulting in a reduction in the level of those policing services reducing the community's ability to meet its day to day needs; and, in the absence of CIL contributions the Shepway District Council would have to explain how services, in this case policing services, are able to develop and modernise in a way that is sustainable. As such the document is Not Sound.

- Plan policies should deliver the provision of security infrastructure and other local facilities [para 156 - *Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver: the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape'*].

Kent Police advocates without such contributions it will not be possible for Shepway District Council to provide for the provision of security and community infrastructure required as a result of the new developments and which will not be subject to CIL/Developer contributions. By failing to do so the developments would fail the Sustainability Test. As such the document is Not Sound.

- Plan positively [Para 157 – *'Crucially, Local Plans should: plan positively for the development and Infrastructure required in the area to meet the objectives, principles and policies of this Framework; ...'*].

Kent Police advocates, without such contributions, Shepway District Council will not have demonstrated matters have been planned positively for infrastructure required in the area to meet the objectives, principles and policies of the Framework. As such the document is Not Sound.

- Infrastructure [*Para 162 – 'Local planning authorities should work with other authorities and providers to: assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and take account of the need for strategic infrastructure including nationally significant infrastructure within their areas'*].

Kent Police advocates that as the NPPF definition of 'Healthy Communities' is: *'safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and, safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas'* and as the police service is remitted to deal with crime and disorder (please see the Kent Police and Crime Commissioners Police and Crime Plan) then, in order to meet the 'work with other authorities and providers' requirement Kent Police response to this consultation has to be duly considered.

In addition Kent Police draws Shepway District Council's attention to the following also contained within the NPPF with a view to assist the Council in its decision making process:

1. Under Para 7 in 'Achieving Sustainable Development' the NPPF states: *'There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*
 - *an economic role ...*
 - *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community needs and support its health, social and cultural well-being; and*
 - *an environmental role ...'*

The NPPF goes on to advise: *'These roles should not be undertaken in isolation, because they are mutually dependent.'* It further adds: *'Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.'*

As Shepway District Council will be aware, the NPPF view of 'healthy communities' is far wider than just provision of hospitals and access to doctors, clean air, leisure and fitness facilities and includes (Part 8, Para 69 'Promoting healthy communities):

- *'safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas'*.

It is the view of Kent Police that any final CIL Charging Schedule produced needs to take this wider requirement into consideration.

2. Part 7 Para 58 (under 'Requiring Good Design') states, amongst other matters: *'Planning policies and decisions should aim to ensure developments:*
 - *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;'*

It is the view of Kent Police that without infrastructure funding for the police service Shepway District Council will not deliver safe and accessible environments resulting in the delivery of unsustainable developments across the District. As such the document is Not Sound.

NPPF: Para 204 Planning Obligation Tests:

Necessary to Make the Proposed Development Acceptable in Planning Terms:

The creation of safe, healthy and attractive places to live is fundamental to planning for sustainable development. The Police play a key role in helping to deliver sustainable communities and are recognised nationally as key stakeholders in providing social infrastructure needed to support development.

The Police Service is a population-based service and where there is an increase in population research has shown that there is an accompanying increase in levels of crime and disorder and for other policing services and interventions. Based on Kent County Council projections of average house occupancy in 2031 the proposed developments in Shepway will increase the overnight population of the District by 8,200 people. It is an undeniable fact, as with the services provided by other public sector organisations (Education; Health etc.), that new and additional dwellings of the magnitude proposed within the District and the associated growth in population will place significant greater demands on policing services particularly as the majority of these dwellings will be built on 'Greenfield Sites' or 'Brownfield Sites' where there is currently no or very low demand for those services. History shows there will be a corresponding increase in demand from new residents for policing across a wide spectrum of police support and intervention services as they go about their daily lives. Kent Police calculates this increase in this demand to be c7.5% for the District. Any business projecting that level of growth either has to increase its workforce and/or increase its technical and other infrastructure bases in order to meet its customers' needs. Policing is no different and is in the same position as: Health (more medical staff/surgeries/hospital beds required); Education (additional teachers and school places required); etc. If this principle is accepted for those public service providers then, by default, it has to be accepted with regards to policing. However, policing differs from most other public service providers in as much the demand for its services is not restricted to the development area but is spread further across the District and County as development residents go about their daily business.

The total planning contribution requested for the development has been calculated on a pro rata bases thereby being proportionate to the type and size of the developments.

There is no existing funding source to support this from central or local taxation. The Police Service does not receive sufficient Central Capital funding for new growth related development. The funding allocated via Home Office grants; Council Tax precept and other specific limited grants is generally insufficient to fund requests for capital expenditure whilst, at the same time, there is a time lag associated with the Police receiving operational revenue funding.

Therefore without the receipt of proportionate contributions from new development towards addressing the greater demands on policing generated by the proposed development, staff would need to be redeployed from another area of the Division or County (thereby reducing the level of policing elsewhere). Furthermore police vehicles would have to be re-distributed from the already depleted Police Fleet.

Secondly, Officer's safety would be put at risk as they would have limited communication equipment as Kent Police would not be funded for such new equipment and policing resources would be more thinly deployed. This may also impair responses to incident reports.

Police Entitlement to CIL Contributions:

Kent Police provides an extract from a letter DCLG sent to The Association of Chief Police Officers dated 9 December 2013:

'... So Government amendments to the levy regulations have not removed a charging authority's ability to use the levy to fund policing infrastructure. Nor will the changes to the regulations which we recently consulted on. As before, local authorities should be working with their partners to identify and prioritise infrastructure needs (and most should have a local plan, which sets out these identified needs). While the Levy will make a contribution to meeting these needs it will need to be considered alongside other funding streams'.

As such, if there was any doubt, DCLG confirms the police service is a legitimate recipient of CIL contributions.

If Kent Police can be of any further assistance in this matter please contact the writer.

Trevor R Hall
Developer Contributions Manager

cc:

CIL DCS 010



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23 March 2015

Dear Stephen,

Re: Shepway District Council Community Infrastructure Levy Draft Charging Schedule

Thank you for your email dated 9 February 2015 consulting Kent County Council (KCC) on the Shepway District Council (SDC) Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS).

In my letter to Chris Lewis dated 13 October 2014, I set out the position of the County Council following the publication of the Preliminary Draft Charging Schedule (PDCS).

The County Council now welcomes the opportunity to comment on the following:

1. DCS
2. Draft Regulation 123 list
3. Other matters

KCC is keen to continue working with the District Council to assist in the preparation and effective implementation of the Charging Schedule.

1. DCS

The Shepway Core Strategy Local Plan was adopted in September 2013 and sets out the main elements of growth that will need to be supported by further infrastructure in the area. The Infrastructure Assessment and draft IDP was prepared in June 2014 and has been revised in January 2015. Based on 2014 prices, the District Council now estimates the cost of delivering that infrastructure at being over £114 million. Some funding is under discussion

and consideration, with a potential shortfall ranging from just under £19 million, to over £64 million in a 'worst case' scenario. This represents a significant funding gap for the CIL to help fill.

KCC reiterates its position set out in the response to the PDCS (October 2014); new development will be required to provide and / or fund the infrastructure provision necessary to mitigate its impact, and at nil cost to the County Council. This infrastructure should always be funded by development contributions, the CIL and any other funding resources. The County Council will not be able to provide any additional gap funding, additional service provision capacity or infrastructure to mitigate any shortfall in development contributions or CIL receipts arising from new development. KCC still seeks further clarification from the District Council on the ability of other funding sources to accommodate the infrastructure funding shortfall.

Retail

The County Council welcomes the clarity provided on the application of the proposed retail rates and the inclusion of a threshold (280 sq. metres) for retail developments which would be considered as 'large scale' (Table 2: Retail Developments).

Other Developments

KCC welcomes the inclusion of land use classes B, C1, C2 and D in 'Table 4: Other Developments', confirming that buildings for its community services are zero rated. However the County Council reiterates its request for confirmation that a zero charge will also be applied to eligible minerals and waste uses.

Monitoring and Review

The County Council supports the relatively short proposed lifespan of the CIL and the intention of the District Council to review its CIL three years following its adoption or earlier, if warranted by a change in market and economic conditions or delivery circumstances. If notable changes are identified, KCC may request that the District Council undertake a review in advance of the review timeframe, taking into account any new data.

KCC would expect the District Council to maintain a watching brief and regularly monitor emerging residential sales values (both new build and resale), build costs and land transaction values. This is to ensure that any emerging data does not significantly contradict the assumptions within the CIL and Whole Plan Economic Viability Assessment (EVA) and subsequently the appropriateness of the CIL charging rates; having been based on the findings of the EVA.

The County Council notes that the DCS does not feature a monitoring and review framework which would assist in ensuring that CIL rates reflect market conditions and wider influences on development viability and deliverability.

KCC suggests that the monitoring and review framework is (re)incorporated into the DCS, as it was included in the PDCS (page 14).

2. Draft Regulation 123 list

The County Council has serious concerns regarding the wording of the draft Regulation 123 list. The Planning Practice Guidance (PPG) on the operation of the CIL (ID 25-097-20140612) states (my **emphasis** added):

*"Where the regulation 123 list includes a generic type of infrastructure (such as 'education' or 'transport'), section 106 contributions should **not be sought on any specific projects in that category.**"* [Excerpt]

It is for this reason that good practice (i.e. Planning Advisory Service) suggests that charging authorities should include specific infrastructure project exclusions within the Regulation 123 list if they wish for specific projects within a generic type of infrastructure' to be eligible for section 106.

The draft Regulation 123 list is ambiguous and KCC strongly suggests that clarity is required on a number of aspects including, but not restricted to:

Use of CIL receipts

The generic list of projects on page 1 which "*will be considered for support through CIL receipts*" are similar to the projects listed on page 2 which "*will continue to be addressed through S106 agreements*".

Education

The District Council proposes the use of section 106 for Education provision where a residential development is of, "*significant scale to create a demand for new facilities and schools*" (my emphasis added). However *significant* is not defined and even a minor development scheme (i.e. less than 10 units) might generate demand beyond existing capacity.

Furthermore, schemes (of all sizes) do not necessarily give rise to a requirement for "*new facilities and schools*"; the expansion of an existing school might be appropriate to mitigate the level of impact. For example, part of the section 106 contribution from the Folkestone Seafront development has been earmarked to expand the new primary school at Shorncliffe Garrison from one form of entry to two forms – this is not a "*new*" facility or school

The County Council strongly suggests that the District Council revisits the wording of the Education projects listed on page 2. For example, "*Hythe existing primary school expansion*" and "*Romney Marsh existing primary school expansion*" is vague and should be linked to specific projects, i.e. the expansion of Palmarsh Primary School which is to be funded via the Nickolls Quarry section 106 agreement. The current wording would preclude the future use of any CIL receipts for the expansion of any other schools in Hythe.

Similarly, is the District Council referring to a section 106 agreement from the New Romney Broad Location (Core Strategy Policy CSD8)? If so, the wording should be linked to specific projects, i.e. the expansion of St Nicholas Primary School. The current wording would preclude the future use of any CIL receipts for the expansion of any other schools in the Romney Marsh.

Use of section 106

KCC supports the use of section 106 to mitigate the impact of the strategic sites (Folkestone Seafront and Shomcliffe Garrison) and broad locations (New Romney and Sellindge) on local infrastructure provision. However the draft Regulation 123 list must clearly specify which projects are *excluded*, particularly as the District Council is to continue its approach of setting out generic infrastructure types within the list.

Review

The County Council recognises that other infrastructure needs may arise over the course of time in response to development proposals and local needs.

The PPG on the operation of the CIL (Paragraph: 098 Reference ID: 25-098-20140612) states:

“When charging authorities wish to revise their regulation 123 list, they should ensure that these changes are clearly explained and subject to appropriate local consultation.” [Excerpt]

KCC therefore requests that the Regulation 123 list does not seek to reprioritise its infrastructure requirements without prior consultation and agreement from the County Council.

3. Other matters

Requesting further notifications

The County Council requests that it is notified of all of the following:

- Submission of the DCS to the Planning Inspectorate in accordance with section 212 of the Planning Act 2008;
- The publication of the recommendations of the examiner and the reasons for those recommendations; and
- The adoption of the CIL Charging Schedule by the District Council.

Examination in Public

KCC reserves the right to appear at the Examination in Public.

In view of the pending restrictions on the pooling of section 106 contributions and the concerns raised in this letter, the County Council would welcome the opportunity to meet with the District Council at the earliest opportunity to address the limitations of the draft Regulation 123 list and discuss how the sustainable provision of infrastructure will be secured in the Shepway District.

If you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours sincerely,

Matthew Balfour

Kent County Council Cabinet Member for Environment and Transport

Cc. Chris Lewis, Head of Planning and Environmental Health, SDC

CIL DCS 011

From: Lister, John (NE) [John.Lister@naturalengland.org.uk]
Sent: 23 March 2015 09:32
To: Planning Policy
Cc: Arnett, Stephen
Subject: 144439 - Shepway draft CIL CS consultation

Dear Planning Policy Team

Thank you for consulting Natural England on your CIL Document.

The matters of the scale and mechanisms for CIL charging falls beyond our remit - so I have no comments to offer.

However if there are associated issues you feel we need to consider, please let me know and I will respond as quickly as possible. If discussion would be helpful, please give me a call.

Yours sincerely,

John Lister

Lead Adviser
Sussex & Kent Team (Area 14)
Natural England
Mobile - 0790 060 8172
www.naturalengland.org.uk

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CIL DCS 012



ENGLISH HERITAGE
SOUTH EAST

Planning.policy@shepway.gov.uk

CIL Consultation

By Email Only

Your refs:

Our ref: *Shepway\PLANNING
POLICY\Local Plan*

Direct Dial: 01483 252020

Date: 25 March 2015

Email:

e-seast@english-heritage.org.uk

Dear Sir/Madam

Shepway District Council – Community Infrastructure Levy (CIL)

Thank you for inviting English Heritage to comment on this current consultation.

As there is currently no reference to the historic environment within the draft Charging Schedule, English Heritage would encourage including additional text to refer to the historic environment as a form of infrastructure and how the levy can positively contribute to the protection, conservation and enhancement of the historic environment.

We also recommend that the Regulation 123 list requests investment in the protection, conservation and enhancement of heritage assets and their settings to ensure CIL monies are available to fund appropriate initiatives.

Without prejudice to the above, development specific planning obligations and S106 should continue to offer opportunities for funding improvements to and the mitigation of adverse impacts on the historic environment, such as archaeological investigations, access and interpretation, and the repair and reuse of buildings or other heritage assets. You may wish to clarify this matter in your schedule.

English Heritage would also recommend that the Charging Schedule is fully informed by an up to date and relevant evidence base for the historic environment and its heritage assets in Tamworth. The evidence base will likely assess 'heritage at risk' in the borough and this could provide a useful insight into project opportunities for the Regulation 123 List.

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Telephone 01483 252000 Facsimile 01483 252001
www.english-heritage.org.uk

*Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available*

Additionally, we would recommend on-going communication with conservation and archaeology officers who have access to the Historic Environment Record and local historical information.

Discretionary Relief for Exceptional Circumstances

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. This, in turn, can detract from its attractiveness to inward investment. 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'.

We are, therefore, encouraging Local Authorities 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.

Paragraph 126 of the NPPF requires that local authorities set out a positive strategy for the conservation and enjoyment of the historic environment in their plan making, 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.

Yours sincerely

ALAN BYRNE
Historic Environment Planning Adviser

CIL DCS 013

Andrew Beggs & Associates

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Your Ref:

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Civic Centre
Castle Hill Avenue
FOLKESTONE
Kent CT20 2QY
ATTN: Stephen Arnett

20 March 2015

Dear Sir

Re: Community Infrastructure Levy

Thank you very much for speaking to the Folkestone, Hythe and District Association of Surveyors, Valuers, Auctioneers and Estate Agents last night and I think it helped many of the members understand the full implications of the new proposals.

As you will be now aware, most of the members are involved in advising residential property owners and developers and whilst I think the apparent simplicity of the proposed new levy seems to be extremely attractive, it would only be so if it replaces the 106 Agreement requirements. Builders and developers can then assess exactly what their expenses are from the outset rather than having to enter into complicated negotiations.

The proposed size of the levy does give rise to some major concerns particularly as adjoining Local Authorities at Ashford, Dover, Canterbury, etc., have not yet attempted to introduce CIL this will have the effect of making new housing costs in particular about £10,000 dearer on a small modern house. The impact of that, in an area where margins are extremely tight, could have a major slowing down effect forcing builders and developers to look at the adjoining areas in preference to building in Folkestone. At a time when the Country needs cheap housing the size of the levy, in my view, is totally unrealistic. I would suggest if the District Council wishes to proceed it should do so on the basis of a fairly nominal contribution to begin with and to review the situation as other Local Authorities introduce levy's in the adjoining areas.

When you add this £10,000 to the £25,000 which was added by Code 3 of the Building Regulations we could end up with the same situation of years ago when Development Land Tax was introduced and literally no land came on to the market and the housing shortage got worse rather than better. I urge your Council to reconsider some of these points.

Yours sincerely

Andrew F Beggs

A. F. Beggs, S. W. Beggs
