

From Terrence Kemmann-Lane JP DipTP FRTPI MCMI, Examiner
Folkestone & Hythe District Council Community Infrastructure Levy Draft Charging
Schedule
c/o Penny O'Shea Consulting

30 January 2023

Dear Mr Hammond

Further Examiner's Questions (EQ2)

Further to your responses to my question EQ1, for which thanks, I have supplementary matters to raise.

These questions relate to elements of the amended MDCS that you supplied with your answer to EQ1, firstly that deal with charges for residential development.

1. Whilst it appears that, so far as I am aware, there has been no practical confusion over what in the present schedule has simply been referred to as 'Residential development', I would like your reaction to supplementing this description by adding "(Use Class C3 Dwellinghouses)". This would mean that, in the further amended version of the schedule that accompanied your answers to my EQ1, there would be no need for, highlighted in yellow under Notes, the statement "These rates apply to senior living (age restricted) but where there is no significant element of on-site care" (because senior living is a C3 use).
2. I am puzzled by the second note, highlighted in yellow, which states: "If a scheme is age restricted (55 years and above) with no associated care, there would be a premium of 10% on top of the qualifying CIL rate on the basis of CIL viability evidence". I am unsure what this is intended to mean. At face value, it appears to mean the rates would be increased by 10% if the development is for senior living (55 years and above).
3. If this is the intention then, a) I consider that this would need to have a separate rate for 'Senior Living' under the residential class, and b) would it not require additional formal consultation?
4. In addition, this does not sit well with paragraph 14.13 (and an earlier reference) in Gerald Eve's Levy Review which states:

"However, we anticipate that the application of an exclusive premium for Senior Living, as part of Residential C3 use, would be challenging to implement. The concept would require legal consideration and further research into the supply/demand implications and alignment with the Council's vision".
5. In any event, I am not clear about why senior living would be challenging, since I have seen a number of charging schedules that include a rate for senior living, and for extra care (C2), come to that.
6. Still on the amended MDCS, on page 7, under Table 1, there is a first Note which says, "The stated rates apply from 1st January 2023 and are subject to annual revision on 1st January". This troubles me because under the heading 'Background' at paragraph 1.3, in yellow highlight, is "... will be implemented from XX", so that there is a lack of consistency. I appreciate that the rates are not proposed to be changed from the 2022 rates, but presumably there would be

an uplift due to inflation that will automatically come into effect on 1 January 2023, and the new rates cannot be brought in before the adoption of the Schedule. I am also not sure about whether the mention of annual revision at this point in the Schedule is appropriate.

7. This also raises the question of whether you intend to adopt the new Charging Schedule at the 2022 rates as shown on the MDCS, without the uplift from inflation, or whether it will take account of the inflation figures from last November.

I would appreciate your comments on these matters within the next 10 working days ie by Friday 10 February 2023.

Terrence Kemmann-Lane