

EBD.5



Community Infrastructure Levy  
Submission Charging Schedule

# **Summary of Consultation Responses**

**Stratford-on-Avon District Council**

**November 2015**

# Community Infrastructure Levy - Submission Charging Schedule

## Summary of Consultation Responses

### 1 Introduction

The Council produced the Community Infrastructure Levy Submission Charging Schedule (SCS) for consultation in October and November 2015. The schedule and supporting evidence can be viewed on the website at: [www.stratford.gov.uk/CIL2015](http://www.stratford.gov.uk/CIL2015)

A rate of £150 per square metre (for sites of 11 units and over) and £75 per square metre (for sites of 10 units and under) has been proposed for residential development in all locations across the districts apart from three strategic sites where the proposed rates are £110 per square metre (at Gaydon/Lighthorne Heath), £75 per square metre (at Long Marston Airfield) and £85 per square metre (at Stratford-upon-Avon's Canal Quarter Regeneration Zone).

A rate of £120 per square metre was also proposed on retail development outside identified centres, with a rate of £10 per square metre proposed for the retail centres at the new settlements at Gaydon/Lighthorne Heath and Long Marston Airfield.

The viability evidence behind these rates was presented in a study by Peter Brett Associates, CIL Economic Viability Study: Submission Charging Schedule, September 2015.

This document presents a brief summary of the responses received during the consultation, alongside the Council's initial comments on how the issues might be addressed. The responses are available in full on the website at the link above.

### 2 Summary of Individual Responses

A summary of each response is shown in the table that follows. In total 36 representations were made. There are 3 representations supporting and 14 objecting to the schedule, with the balance making comments but giving no indication of formal support/objection.

Topic	Respondent	Summary of Consultation Response	Council response
Reg 123	Council for British Archaeology West Midlands	Suggest the Draft Regulation 123 List should include provision for protection of the historic environment where such provision is not part of a site specific development/mitigation package. For example, it could include works to heritage assets which are at risk.	The Reg 123 list not exhaustive and can as necessary be updated to account for heritage assets.
Reg 123	NHS South Warwickshire Clinical Commissioning Group	<p>Concerned that the Draft Regulation 123 List currently indicates 'types' of infrastructure rather than specific projects, meaning that any projects within those 'types' of infrastructure on the list will not be able to be funded by Section 106 contributions.</p> <p>SDC has not published a Planning Obligation SPD outlining how Section 106 will continue to be used post-CIL implementation. The lack of clarity creates uncertainty for CCG. Therefore strongly recommend that SDC produces an SPD to provide further guidance on how it intends to use CIL and Section 106 to provide adequate healthcare facilities across the District.</p>	<p>A Development Requirements SPD is scheduled to be prepared during 2016. It will include commentary on s106 policy/delivery and will inform an update to the IDP to clarify how health and other forms of infrastructure will be delivered.</p> <p>The purpose of the Reg 123 list is to ensure CIL liable development contributes towards a generic pot of infrastructure subsidy and where appropriate that strategic/large sites contribute towards site specific mitigation. It distinguishes between infrastructure required as a result of the cumulative impact of smaller scale development and that required directly as a result of strategic scale development. Specific schemes for each infrastructure typology have not been identified at this point but will be required to inform future stages.</p>
Reg 123	Canal and River Trust	<p>Regulation 123 list does not contain any specific references to canal infrastructure. Seeks to clarify whether the canal and towpath would be considered to fall within either natural or semi-natural accessible green space or improvements to existing strategic parks and civic spaces.</p> <p>Various matters are referenced within the list of Planning Obligations as site specific - would the canal and towpath environment fall within the definitions for these items?</p>	<p>These infrastructure items are supported under the Reg 123 list, the precise typology will be identified.</p> <p>Works associated with (for example) the Canal Quarter Regeneration Zone will be approached on a site specific basis.</p>

Reg 123	St Modwen Developments Ltd.	Recommend that in the CIL Reg 123 List the following wording needs to be added after the Stratford Transport Package reference — “unless a scheme, or part of a scheme is required as site specific mitigation, in which case it could be included as part of a s106 agreement”	Noted and agreed.
Reg 123	Blue Cedar Homes	Welcome the nil rating for retirement dwellings but feel the definition for retirement dwellings should be extended and made clearer.	The current definition is considered appropriate.
CS CIL rates	Gateway One Limited	<p>£150/sqm is a very high CIL charge which will render many housing developments throughout the District unviable. Also comment that the CIL charge for retail development will impact on economic viability.</p> <p>The Council does not appear to have adequately addressed earlier concerns. The charges set out for residential uses have not been subject to robust viability testing by PBA.</p> <p>The zero charging rate for all retail uses within all identified centres is in principle welcomed, but the definition of the town centre for Stratford-upon-Avon is inappropriate.</p>	<p>The available evidence supports the proposed rates.</p> <p>The process used for developing the economic viability methodology was subject to input from the development industry. There has been ample opportunity to review and scrutinise PBA's approach.</p> <p>This is a matter for the Core Strategy process rather than for CIL.</p>
CS CIL rates	Larry Coltman (Stratford Resident)	CIL rate should be the same for all developments in the district and preferably at the higher rate applying to Gaydon, as the pressure on infrastructure there is far less than that affecting Stratford itself.	Viability evidence has concluded that the new settlements/strategic sites in the district are incapable of contributing the same amount of CIL/sqm as large sites in the rest of the district. On the whole the evidence shows that at the strategic sites the build costs are higher and development values lower.

CS CIL rates	Hallam Land Management	<p>Express concerns about the 'Rest of District' residential rate of £150/sqm, given that much of the viability evidence demonstrates considerable differences in sales values and Threshold Land Values (TLVs) across the District. A number of the viability inputs are considered too optimistic for high level appraisals such as those included in PBA's Economic Viability Study.</p> <p>Principal matters raised are:</p> <ul style="list-style-type: none"> <li>· Balancing of CIL rate setting against future housing delivery;</li> <li>· Absence of Sensitivity Testing;</li> <li>· Affordable Housing values;</li> <li>· Density and Site Coverage assumptions;</li> <li>· External Works and Contingency assumptions;</li> <li>· S106 and s278 assumptions; and</li> <li>· Development periods used to calculate finance costs.</li> </ul>	<p>The viability report acknowledges that the three 'value zones' identified have different development pressures/growth rates, but concludes that it would be inherently difficult to charge different CIL rates due to complexities around the quality and desirability of types of housing within those different value zones.</p> <p>The process used for developing the economic viability methodology provided an opportunity for the development industry to review and scrutinise PBA's approach.</p> <p>A comprehensive list of development typologies have been assessed alongside a wide variety of site assumptions.</p> <p>These matters can properly be tested via examination.</p>
CS CIL rates	The Philip Baker Trust and IM Properties Development Ltd.	<p>The proposed rates generate a CIL liability of circa £6 million upon IM's interests (1,000 dwellings) at GLH. This is a considerable additional cost burden. It is very challenging to establish where GLH will actually benefit from the funding of any infrastructure via CIL receipts. Costs associated with site specific mitigation can be addressed solely via the Section 106 / Section 278 regime in order to make the development acceptable (in planning terms) and deliverable. On the basis of the evidence presented by the Council, it is anticipated that this mitigation will be exclusive to the development of GLH, and therefore unlikely to be aggregated with other CIL contributions.</p>	<p>These comments are understood, but the evidence shows that the development remains viable with CIL at the proposed level. The concerns can be discussed via the examination process.</p>

		<p>IM has wider technical concerns regarding the robustness of the viability evidence base. It is considered that the viability evidence base currently over-estimates the propensity for GLH to contribute towards CIL. It is also unclear why a lower rate has been proposed for the new settlement at Long Marston Airfield. IM requests that this apparent discrepancy between the two allocations be clarified.</p>	<p>If upon further reflection a further clarification report is required to ensure there is no misunderstanding in relation to assumptions and variables used in the viability modelling, then this will be actioned in advance of the examination.</p>
CIL Comment	Bidford-on-Avon Parish Council	Supports the document.	Noted
CIL Comment	The Philip Baker Trust and IM Properties Development Ltd.	<p>Welcome the proposed Instalments Policy. Specifically, strongly encourage the Council to take forward the proposal to allow for phased payment of CIL on strategic sites, and for CIL instalments to be agreed with the Council - effectively by setting a bespoke payment schedule linked to delivery - on major development sites where the CIL liability exceeds £500,000.</p> <p>On Exceptional Circumstances Relief, strongly in favour of the Council introducing a policy to permit discretionary relief from CIL liability in exceptional circumstances and requests that the Council makes a firm commitment to introducing this.</p>	Noted
CIL Comment	Charles Goody - Clifford Chambers Resident	<p>The CIL for LMA should be the same as for Gaydon. The impact LMA will have on the community surrounding the airfield will be huge and require substantial investment.</p> <p>One of the investment areas for CIL should be the planting of a million trees to counter the impact that the growth in traffic volumes will have on pollution levels.</p>	<p>The viability evidence justifies the two differentiated rates for LMA and GLH, having regard to benchmark values and build costs.</p> <p>This is considered to be unjustified.</p>

		<p>The CIL health investment should be for community care facilities not just primary care. Those will be needed to support the move of care out of hospitals.</p>	Noted.
CIL Comment	St Modwen Developments Ltd.	<p>Consider the viability evidence underpinning the proposed charging level of £150/sqm to be unreliable due to:</p> <ul style="list-style-type: none"> <li>· Unrealistic site value thresholds</li> <li>· Unrealistic affordable housing values</li> <li>· Unrealistic build cost assumptions</li> <li>· Unrealistic developer's profit assumptions</li> <li>· A substantial underestimate of the abnormal costs associated with bringing sites forward for development; particularly previously developed sites.</li> <li>· No evidence of sensitivity testing key variables in arriving at the maximum CIL tariff</li> <li>· Lack of Sample Appraisals.</li> </ul> <p>Following the Core Strategy Examination earlier this year and the Interim inspector's Report, the Core Strategy places an increased emphasis on the redevelopment of previously developed sites in meeting the development requirements for the Plan period. However, there is no recognition of the additional costs of bringing previously developed sites forward for development apart from Long Marston Airfield. A new sales value should be included for new residential development at Meon Vale.</p>	<p>The process used for developing the economic viability methodology provided an opportunity for the development industry to review and scrutinise PBA's approach.</p> <p>If upon reflection a clarification report is required, this can be produced for the inspector prior to the examination to ensure there is no misunderstanding in relation to assumptions and variables used.</p>

		<p>The Economic Viability Study is very limited in respect of actual transactional evidence to support the proposed site value thresholds. We strongly urge the Council to review this aspect of the evidence to ensure that it provides an appropriate benchmark that reflects the return that a land owner would require in order to release their land.</p> <p>Any future retail development at Meon Vale requires the same distinction as the strategic allocation at GLH. A zero levy should be applied to retail development on these sites.</p> <p>CIL should not impede the efficient and effective delivery of new homes in the SDC area by imposing levels that could reasonably be expected to be lower for some categories of sites - like LRBS. It is not that the CIL levels proposed make a site like Meon Vale unviable — clearly not, and St Modwen are of the firm position that their site is and remains viable. However, it is the imposition of high CIL values that have the potential to slow down the rate of delivery on sites where there are already significant on site enabling works costs to be taken account of.</p> <p>Welcome the proposal to introduce phased payments linked to applications on strategic sites and also the opportunity to agree an individual instalment profile to align with developer's cash-flows, but once again seek clarification on the Council's definition of strategic sites which are capable of delivering phased CIL payments.</p>	
CIL Comment	Country Land and Business Association	Seeks clarification on how Agricultural, Forestry and Horticultural development will be treated under the draft charging schedule.	Comments noted.
			No charges are proposed in relation to these forms of development.

		<p>Concerned that farm shops will have to pay CIL charges as they would fall under retail use (A1-A5) classification, farm shops are a diversification from agricultural and should not be treated the same as large supermarkets.</p> <p>£150/sqm is excessive and will stifle development and discourage sites from coming forward. It will also drive down land values.</p>	<p>This point will be considered and, if necessary, a clarification report can be produced for the inspector prior to the examination to ensure the circumstances under which the 'out of centre' retail charge will apply are clear.</p> <p>Noted, but the evidence does not support this.</p>
CIL Comment	The Philip Baker Trust and IM Properties Development Ltd.	<p>The published study does not incorporate the viability assessment appraisal summaries for any sites - a departure from the previous published iterations of the CIL viability evidence base. This means that the most recent assumptions and calculations underpinning the proposed rates cannot be fully reviewed.</p> <p>The study does not present the development programme assumed in relation to GLH and the other strategic sites. Consequently, it is unclear as to the appropriateness and accuracy of assumptions made in relation to:</p> <ul style="list-style-type: none"> <li>• Pre-development periods (i.e. obtaining planning consents and discharging conditions)</li> <li>• Enabling infrastructure works delivery periods (i.e. highways and servicing works necessary prior to commencing 'on plot' residential development)</li> <li>• Build-out rates for the strategic sites - including GLH</li> <li>• Residential sales rates for the strategic sites - including GLH</li> </ul> <p>The study makes inconsistent use of costs and</p>	<p>The study is the latest of a series of studies that provide the necessary evidence to support the charging schedule. All previously published evidence was accessible via a weblink from the consultation page.</p> <p>Comments noted and considered a matter for examination.</p> <p>As above.</p>

		<p>values that result in an overstatement of viability for CIL within appraisals. The proposed CIL rates - and particularly the £110/sqm residential rate for GLH - would not be viable if this error was corrected.</p> <p>It remains unclear to IM as to the exact scale of infrastructure costs applied within the viability appraisals of strategic sites - notably with respect to GLH.</p> <p>IM also wish to highlight the apparent inconsistency between the scale of S106/S278 costs identified for GLH and those for Long Marston Airfield ('LMA'). IM request clarification from the Council and PBA regarding the substantial cost differences, and will be undertaking further investigation prior to the CIL Examination.</p> <p>IM also see it as critical to highlight that, as a standalone new settlement, GLH will initially lack the amenities and services benefiting development sites within existing settlements. It will be required to establish a sense of place and generate its own market - consequently, there will be a necessity for house builders at GLH to incentivise prospective purchasers to select GLH over development sites in well established, proximal, settlements.</p> <p>The Council's proposal to introduce an instalments policy for the payment of CIL liability is welcome. IM is also strongly in favour of the Council introducing a policy to permit discretionary relief from CIL liability in exceptional circumstances and requests that the Council makes a firm commitment to introducing this.</p>	<p>As above.</p> <p>Noted.</p>
--	--	--	--------------------------------

CIL Comment	Stratford Rail Transport Group	<p>Substantial residential development in Stratford will justify the Council reinstating the Stratford-Long Marston railway in the IDP as well as including it in the Community Infrastructure Levy Draft Charging Schedule.</p> <p>Developers along the route between Stratford and Long Marston should therefore be required to make financial contributions towards the reopening of the Stratford-Long Marston-(Worcester/Oxford) railway line, where they are directly related and proportionate and in accordance with the CIL Regs.</p>	<p>The rail re-instatement scheme is not a policy requirement under Core Strategy Proposal LMA. As such it and has not been take into account in the viability modelling. The proposed CIL rate for LMA assumes that there will be no requirement for a direct developer contribution to the rail scheme.</p>
CIL Comment	Sport England	<p>CIL should specifically exclude any mitigation measures required to make a development proposal satisfactory in planning terms, e.g. if housing is proposed on playing field the mitigation for that loss under NPPF Para 74 should be dealt with OUTSIDE of CIL.</p> <p>The Reg 123 list should only include defined projects and not use generic statements such as 'Indoor Sports Provision' and 'Outdoor Sports Provision'. It should be a list of major key priority projects and not seek to deliver all infrastructure. These projects should be the big ticket items where S106 pooling restrictions prevent S106 agreements being a practical tool and where CIL receipts are sufficient to deliver within a reasonable timescale.</p>	<p>Noted.</p> <p>It is possible to have generic infrastructure typology provision set within the Reg 123 list and still have a CIL reg 122 compliant s106 contribution towards a specific scheme.</p> <p>The Reg 123 list excludes the strategic sites from contributing towards CIL for items of on-site infrastructure that will be directly funded. As and when other specific schemes are identified the list can be revisited.</p>

CIL Comment	Gateway One Limited	<p>Concerned with the approach set out in the SCS to levy a significant CIL charge of £150/sqm on residential development throughout the Charging Area. In addition, concerned that the reference to Policy CS.22 of the proposed submission Core Strategy June 2014 and the associated plan 'Figure C' for retail charging purposes will cause confusion (unless this plan is amended).</p> <p>In terms of residential uses, concerned that the proposed CIL charges have not been subject to robust viability testing by PBA, both in terms of the assumptions they have adopted to inform their viability testing, and the approach and methodology they have used to test the viability of CIL across the District (in particular, the range of sites tested through the site typologies).</p> <p>Highlight a range of issues with the viability evidence base relating to the following: -</p> <ul style="list-style-type: none"> <li>· Site typology thresholds;</li> <li>· Threshold Land Values;</li> <li>· Sales values;</li> <li>· Differential charging zones;</li> <li>· The potential impact of £150/sqm in charge on the District's housing land supply;</li> <li>· Build costs;</li> <li>· Allowance for external works;</li> <li>· Abnormal costs; and</li> <li>· Allowance for Section 106 contributions.</li> </ul> <p>Drawing these together, are concerned that the £150/sqm charge is not justified by the viability evidence that PBA has prepared. In particular, PBA's evidence suggests that the residential CIL should be based on three geographical zones; however, this has not been carried forward into</p>	<p>The viability modelling has produced a wide ranging list of scheme typologies across the district for residential and non-residential developments.</p> <p>Site viability analysis has been previously made available and a link has been provided during this consultation.</p> <p>The viability report acknowledges that the three value zones identified have different development pressures/growth rates but concludes that it would be inherently difficult to charge different CIL rates due to complexities around the quality and desirability of types of housing within the different value zones.</p>
-------------	---------------------	--	--

		<p>any of the consultation versions of the Charging Schedule.</p> <p>In addition, the typologies tested by PBA assume that only small sites (under three dwellings) are delivered in the town centre. Accordingly, their analysis does not recognise the potential of much larger town centre sites to contribute towards housing delivery (as recognised by both the emerging Core Strategy and emerging Neighbourhood Plan). Hence, these significant sites have not been adequately tested to assess their potential to contribute to CIL. In light of this, strongly support the formulation of an Exceptions Policy in the SCS, which will be critical to complex urban regeneration sites that typically involve a wide range of viability and deliverability issues.</p>	<p>If necessary, a clarification report can be produced for the inspector prior to the examination to ensure there is no misunderstanding in relation to assumptions and variables used in the viability modelling.</p>
CIL Comment	Fraser Pithie (Kenilworth Resident)	Requests that the proposals for reinstatement of the railway south of Stratford-upon-Avon be included in the Infrastructure Delivery Plan, particularly having regard to the proposed development at Long Marston Airfield.	The rail re-instatement scheme is not a policy requirement under Core Strategy Proposal LMA. As such it has not been taken into account in the viability modelling. The proposed CIL rate for LMA assumes that there will be no requirement for a direct developer contribution to the rail scheme.
CIL Comment	Warwickshire County Council	Advise that the recommendations in the draft Public Health Evidence for Planning and Developers guidance document which takes into account the B4L principles are considered when looking at putting together the Charging Schedule. This document sets out guidance in order to ensure that new developments promote healthy, active and sustainable communities.	Noted.
CIL Comment	Stratford Society	Employment land continues to be outside the scope of CIL for no good reason. If there is an issue over its impact on economic viability, then it	Employment land is confirmed as being £0 rated. A charge could be imposed under a future review of the CIL schedule if viability evidence supports this.

		<p>should be zero rated and not exempt.</p> <p>It is still not proposed that CIL be charged on extensions to the currently defined town centre area, which could be damaging to established retailers.</p> <p>Although the Council proposes phased payments on strategic sites, it is still unclear what the baseline date is and therefore how, if at all, the economic viability of development would be affected.</p> <p>No decision has yet been taken on discretionary exceptions to the charge. The Society has already expressed a view that there is no reason generally to extend exemptions to investment properties held by charities, or to specific schemes which "can't afford to pay". However, in the proposed canal quarter the Council should keep under review the proposed CIL charge (£85psm) in order to ensure its deliverability over the plan period.</p> <p>There appears to be no proposal for review of CIL rates, even though inflation generally and land prices in particular will change over time and quickly render the charging schedules out-of-date.</p> <p>On the positive side, the proposed draft Regulation 123 list (which should include those projects or type of infrastructure to be wholly or partly funded via CIL) is now much clearer than in earlier drafts and should not be controversial. Clearly there may be new issues arising as the Housing and Planning Bill makes its progress through Parliament but no doubt the Council will be monitoring this.</p>	<p>Comment noted.</p> <p>Payment is triggered when the charging authority has received Acknowledgement of liability.</p> <p>Noted.</p> <p>The need to review the Charging Schedule will be assessed on a regular basis once the current schedule has been adopted.</p> <p>Comments noted.</p>
--	--	--	---

CIL Comment	NHS South Warwickshire Clinical Commissioning Group	<p>The most up to date data available indicates an overall deficit in primary medical care capacity across the District. The CCG will work proactively with the District Council to ensure that suitable additional health care facilities are provided. Similarly, a collaborative approach will be needed to secure appropriate contributions to support the development of primary medical care infrastructure to address the healthcare needs of the growing population of the District.</p> <p>As outlined above, it is already recognised that there is a deficit in capacity across the District. An increase in housing delivery and the resultant population increase, at the planned rate, will therefore outstrip the delivery of the critical required primary medical care across the District, if adequate resource and priority is not given to both funding and Infrastructure delivery.</p> <p>We are therefore keen to see suitable provisions put in place and adequate allowances made in the CIL and Section 106 work being undertaken by the District Council.</p> <p>The CCG would also welcome clarity on how healthcare is to be funded and delivered once CIL is adopted and strongly recommends the production of a Planning Obligation SPD to be adopted post CIL implementation.</p>	Comments noted. It is confirmed that the IDP has now been updated to address the new development strategy and increase in the overall housing number. This revised draft will be available for scrutiny via the examination process. The Council will continue to work closely with the CCG to identify infrastructure gaps.
CIL Comment	Birmingham City Council - Planning and Regeneration	No comments to make on the CIL Submission Charging Schedule.	Noted.

CIL Comment	Wellesbourne and Walton Parish Council	<p>Section 4 instalments and exceptions policies</p> <p>1) Draft instalments When payment is in a number of days as stated, when do the days run from? (i.e. "Payment in full within 60 days"; 60 days of what?)</p> <p>2) Exception policy We do not think that developments by charities which are held as an investment should be exempt from CIL. The Council believe that, "where a specific scheme cannot afford to pay the levy" should not be included. If they cannot afford to pay the levy why are they building?</p>	<p>Payment is triggered when the charging authority has received acknowledgement of liability.</p> <p>The national CIL Regulations allow for exceptions for charitable development.</p>
CIL Comment	Warwickshire County Council - Planning and Development	<p>Have no further comments to add to this third formal consultation.</p> <p>Are in discussion about schools updating of the IDP with the District Council.</p>	Comments noted.
CIL Comment	Warwickshire Police and West Mercia Police	<p>Whilst we have no objection in principle to the equipment, vehicles and ANPR contributions being sought through CIL, we are concerned that sufficient resources must be provided to adequately police new developments whilst not reducing the service provided to the existing communities in the surrounding area. This has potential implications in terms of the overall level of police provision across the District.</p> <p>Under the Draft Regulation 123 List, are pleased to see emergency services recognised under CIL and police premises under Section 106, but seek a change in terminology.</p>	Noted – Emergency Services Infrastructure can replace Emergency Services facilities to allow for more flexibility in the definition.

		<p>The commitment to seeking S106 contributions to Safer Neighbourhood Premises at GLH and LMA is welcomed, but we consider that for developments on this scale other police infrastructure contributions to equipment, vehicles and ANPR should be met through Section 106 rather than CIL.</p> <p>Are currently considering the preparation of a Strategic Infrastructure Assessment to identify police service requirements from developments in Stratford-on-Avon District. In order to take this forward and identify the scope for such a document, we propose to set up a meeting with the Council and our consultants.</p>	<p>The evidence shows that the two new settlements are the only sites where new infrastructure requirements should be met on site and thus excluded from CIL. Until further evidence shows that there is a locally specific need for a similar facility elsewhere the Reg 123 list must remain as drafted.</p> <p>The suggested meeting will take place and the outcome will determine the need for any further update of the IDP.</p>
CIL Comment	Worcestershire Regulatory Services	Have no adverse comments to make on behalf of the partner authorities of Worcestershire with regard to pollution, contaminated land or air quality issues.	Noted.
CIL Comment	Highways England	<p>We have no particular comment on the revised charge rates. However, we note that there have been no changes made to the Regulation 123 List or to the associated Infrastructure Delivery Plan since the previous response was provided and can therefore confirm that these previous comments remain valid.</p> <p>On the basis that there remains insufficient information to determine the scale or cost of potential infrastructure requirements on the A46 or the most appropriate funding mechanisms for their delivery, we consider that their inclusion on the Regulation 123 List cannot be endorsed at the present time.</p>	Comments noted - the current CIL reg 123 is not intended to be exhaustive.

CIL Comment	Historic England (West Midlands)	<p>Encourage the consideration of using CIL and S106 receipts to conserve the historic environment, heritage assets and their setting.</p> <p>Successful development may be dependent on historic places/spaces to provide the essential character, the social infrastructure, culture, community focus, amenity, recreation or leisure opportunities required to ensure thriving sustainable communities. Due to the increased demands on these heritage assets from new development, CIL might contribute to their upkeep and condition.</p> <p>Therefore recommend the Regulation 123 list references the funding of appropriate initiatives.</p> <p>Concerned by the lack of reference in the Planning Obligations section of the document to the historic environment and the role of development contributions in the delivery of a positive strategy for the conservation of heritage assets, successful and sustainable development in accordance with policy in your Core Strategy and the NPPF (paragraphs 6, 126 and 157 are relevant).</p> <p>Historic England would encourage you to consider specific reference to the Historic Environment in the Planning Obligations section to show a commitment to allow development contributions to be used to implement Stratford on Avon's evident commitment to its cultural heritage.</p>	<p>Comments noted. The Draft Reg 123 list already makes reference to certain aspects that are relevant. Further consideration will be given to the wording as it relates to both CIL and s106 related funding.</p> <p>One of the objectives of the Development Requirements SPD will be to identify how s106 will be collected and spent post CIL adoption in line with 122 and 123 of the CIL regulations.</p>
CIL Comment	Inland Waterways Association (Warwickshire)	Satisfied that the charging schedule is fair and the rates are set at a reasonable level. Feel that some of the exceptions are too wide ranging and vague.	Comments noted.

CIL Comment	Stonewater	The summer budget has a major impact on Housing Associations ability to develop new affordable housing. Many are now intending to build open market sale units to cross subsidise new affordable units. If CIL is payable on these open market units then this will reduce the amount of subsidy available and reduce the overall number of affordable housing.	Comments noted, but are not considered to justify a change to the proposed approach.
CIL Comment	Stratford Town Trust	Concerned that application of the levy will significantly diminish its receipts, and thereby affect the amount of money it can redistribute to the local community.  Seeks an Exceptions Policy in respect of developments by charities which are held as an investment from which the profits are applied for charitable purposes.	Comments noted.  The Council's approach will be determined when it considers its detailed Exceptions Policy. It has the discretion to adopt the approach sought by STT should it consider that appropriate.
CIL Comment	Gladman Developments	Have no additional comments to make in relation to the content of the consultation document, but raise a procedural issue that the Submission Charging Sessions is based on the level of development outlined in the Core Strategy Proposed Modifications (August 2015). The proposed modifications to the Core Strategy have been subject to a period of consultation, but the Examination hearings are yet to resume. Basing the CIL rate on the proposed modifications and new evidence prepared by the Council pre-empts the outcomes of the resumed hearings. The Inspector has not yet concluded that the current proposed scale of growth is sound.  Recommend that the progress with the CIL be delayed until the outcome of the resumed EiP hearings is known.	The Council has already acknowledged the risks involved in progressing the two processes in tandem. It is acknowledged that the CIL regime must reflect the proposed development strategy. It is anticipated that the CIL examination will follow on after the publication of the Core Strategy Inspector's final report and recommendations.

### **3 Overview Summary**

This report identifies and acknowledges the key issues raised within the submitted representations. It has arranged these issues under key theme/topic areas. Where appropriate the report also identifies how these issues will be addressed.

A number of respondents consider the proposed residential CIL rates to be too high, with the focus being on the rates proposed for GLH and district-wide for larger sites. At GLH, there appears to be inconsistency in the approach of the two separate promoters.

Several respondents have concerns about the viability variables and methodology assumptions, either on the basis that they are not robust or simply because they do not agree with the content. However, there has been no substantive change in approach since the proposed viability assumptions and methodology were tested at a development industry workshop held in February 2014. The workshop was well attended and representatives of the local house building industry, registered providers, architects, surveyors, land owners, agents and promoters all contributed. This workshop produced a consensus about the CIL viability modelling assumptions that should be used to take forward a schedule of charges.

Several other respondents have requested clarification on some of the modelling variables. Their points will be discussed fully with the Council's advisers, and if felt necessary a clarification report will be produced in advance of the examination process to ensure there are no ongoing uncertainties about the assumptions and variables used in the viability modelling.

Finally, several respondents expressed concerns about the relationship between CIL and s106 contributions, querying how the latter (whilst scaled back) will continue to operate alongside a CIL. Some suggest that an SPD should be produced outlining how this arrangement will work and on what basis s106 contributions can continue to be collected. This work is already in hand. It will form part of the proposed Development Requirements SPD which, in accordance with the published Local Development Scheme (October 2015) will be produced in 2016.

The Council retains the view that on the whole the assumptions made in the CIL Economic Viability Study: Submission Charging Schedule report (Peter Brett Associates, September 2015) are valid and should inform the introduction of a CIL. The overall evidence base, which includes a number of previous reports, is considered robust. The Council will seek to justify the approach taken via the CIL examination process.

It should be noted that this is a high level analysis prepared to inform the Council's decision making process. It has not sought to set out in full detail the content of the representations made or to respond in full detail to the comments made. The representations in their entirety have been made available on the Council's website.

#### **4 Next Steps**

This report is presented to the Council to enable it to determine the appropriateness of proceeding to submit the Submission Charging Schedule for independent examination. In reaching this decision it is essential that the Council has regard to the latest representations made and the evidence available.

Once this report has been endorsed (and, should it be deemed appropriate, any subsequent modifications have been made), the Council will via the Planning Inspectorate appoint an independent Examiner to examine the proposed Charging Schedule and the associated evidence base. Following examination, the Council will consider adopting the Charging Schedule.

Beyond that, the Council will regularly review whether there have been any changes in market conditions or the costs of development that justify considering a change to the charging schedule. The need for infrastructure funding will also be kept under review to monitor whether CIL charging continues to be required. Any changes made to identified infrastructure projects will be assessed to determine whether they have implications for viability that would justify a review of the CIL charging schedule.