

Planning Policy

From: Jonathan Kamm <KammJP@aol.com>
Sent: 20 April 2015 13:20
To: Planning Policy
Cc: Barry Bournemouth
Subject: Schedule of objections to Mods.docx
Attachments: Schedule of objections to Mods.docx; ATT00001.txt

Please find attached objections on behalf of Clemdell Ltd. Please note that Clemdell requests that its objections are heard by the Examiner in accordance with paragraph 1.7 of the Statement of Modifications arising from the Examination. All its objections relate to matters referenced 'EFM'. Kind regards

Jonathan Kamm
Jonathan Kamm Consultancy
On behalf of Clemdell Ltd.

C&ED CIL EXAMINATION.

OBJECTIONS TO MODIFICATIONS OF MARCH 2015
ON BEHALF OF CLEMDELL LIMITED

The proposed modifications are flawed in the following respect:

Ref.	Page/Para.	Sec	Modification	Objection
EFM1	5.2	5	Christchurch: Residential More/Less than 10 units and larger sites nil rate.	<p>The nil rate for sites providing on-site SANG does not satisfy national policy. CIL is to provide a range of infrastructure not simply SANG (as set out in the Council's Regulation 123 List)..</p> <p>The proposed Modification stands in stark contrast to the proposal to charge more than double the CIL per unit for sites of 10 units or less which is totally opposite to government policy. As is made clear in the Ministerial Statement of 28 November 2014 the purpose of the policy of exempting sites of 10 units or less was specifically to reduce the financial burden of s.106 obligations on these sites in the order of some £30,000 per unit. The proposed CIL rate of £150 psm is specifically a proposal to reverse national policy.</p> <p>In the light of this contradistinction a blanket nil rate for large (40+) sites is a complete flouting of national policy.</p> <p>Further there is no certainty that the level of exemption from affordable and other tariff charges will remain at 10 units so that small sites will be doubly burdened whilst larger sites would, if the Modification were accepted, remain exempt – that is unsound.</p> <p>It should be clarified in this Modification as to the distinction of a nil rate for sites of 40+ in this Modification and the threshold of “approximately 50” in EFM3.</p> <p>The provision of the land for a SANG should be offset against the CIL liability for that site and that charge should be calculated at the same rate per unit irrespective of the size of the site. It may be that the SANG effectively offsets the CIL liability but that must be calculated on a site-by-site basis by reference to Appendix C of the Consolidated Draft Charging Schedule.</p>

EFM2			East Dorset Residential More/Less than 10 units	Objection as set out at EFM1 is repeated.
EFM3	5.8	5	Clarification on SANG Requirements	<p>The assumption that individual developments below 50 dwellings will not be required to provide their own SANG does not cater for the possibility that such developments may wish to provide their own SANG. SANG sites will be identified through Planning Applications and/or the Local Plan Part 2.</p> <p>Where developments of less than 40 units can deliver appropriate SANG for immediate use on its own, or with other such development, that would not otherwise be available to the public this benefit should be encouraged. To tie in with Appendix C of the Consolidated Draft Charging Schedule, EFM3 should state in clear terms that, for all development, payment of CIL by (inter alia) the provision of SANG is appropriate (to be read with Modifications EFM1 and EFM2 & the Objections thereto).</p> <p>Given that CIL does not apply to affordable dwellings, clarification is required in this Modification as to whether the numbers of dwellings referred to (40 or 50) includes or excludes affordable units (for example Land South of Burton (CN2) is CIL zero rated when projected to deliver c.22 market units)</p>
EFM4	Page 21 Appx. A	Reg 123 List	Management & Maintenance of SANGs	<p>All development proposals (whatever the size) should be able to provide SANG (on-site or off-site) or affordable housing as a means of payment of CIL charges in lieu of a cash settlement. The proposed Modifications should make provision for this.</p> <p>Although the Modification deletes the words “s.106 Agreement” the semantic alteration simply underlines the conflict with national policy of not seeking contributions from small sites (10 or less)</p>