Community Infrastructure Levy

Statement of Consultation on the Revised Draft Charging Schedules for Christchurch and East Dorset

Prepared by Christchurch Borough Council and

East Dorset District Council

January 2016

Statement of Representations received: Regulation 19(1)(b)

The Regulations require that a Statement is produced outlining the community and stakeholder consultations undertaken during the preparation of the CIL documents. This is in accordance with the statutory procedures in the Planning Act 2008 and the CIL Regulations April 2010 (as amended).

Consultation

The public consultation for the Revised Draft Charging Schedule ran for 5 weeks from 4 December 2015 until 8 January 2016.

All stakeholders on the Core Strategy database who were identified as developers, land owners, key stakeholders or neighbouring authorities were invited to comment on the Revised Draft Charging Schedule, and received an email or letter to advise them of the consultation. Copies of the document were made available at local libraries and Town and Parish Council Offices, as well as the Offices of the two Councils.

The Councils received duly made representations from 5 organisations / individuals in accordance with CIL Regulation 17. There were no 'not duly made' representations. A full list of respondents is contained in the Table 1 below. A summary of the comments raised by the representations, and an officer response to this, is contained in Appendix 2.

Right to be heard

2 respondents requested to be heard by the CIL Examiner, one did not want to appear and a further 2 have not indicated whether they wish to appear at the Examination or not. Those respondents requesting a hearing are indicated in the Table 1 below.

Main Issues Raised

With this consultation being a partial review of the previous Charging Schedules, the issues raised were focused on the changes set out in the 'Schedule of Amendments to the Revised Draft Charging Schedules' document. The main issues raised are as follows:

- **£150 Residential rate and affordable housing provision**
    - The proposed interchangeable rate is contrary to national policy on differential rates
    - The £150 rate is not based on current policy requirements
    - The £150 rate provides unnecessary flexibility and the Councils should wait until any new affordable housing threshold is re-introduced by Government and undertake a CIL review process then
    - Concerns with the evidence to support the £150 rate regarding the use of current threshold land values

  - The CIL rate is too high for the local area, rendering potential development opportunities unviable. This is against Government wishes of increasing supply
- **CIL Review Indicators (Section 6 of the Revised Draft Charging Schedules)**
  - Section 6 should include a new indicator for changes to national policy or legislation. This could be in the form of a policy obligation that triggers a review of CIL
  - A percentage figure should be applied to changes to average property process that acts as a trigger

Table 1 – List of respondents and requests to be heard at the Examination

	ID	Name	Representing Organisation	Wish to be heard at Examination
1	931684	Mr Tim Hoskinson, Associate Director	Savills Ltd	?
2	891270	Mr Stuart Tizzard		?
3	521642	Mr Peter Atfield, Director Goadsby Ltd	Mr A Rance, Libra Homes Ltd	Y
4	779551	Mr Jonathan Kamm, Town Planning Consultant	Mr B Pliskin, Clemdell Limited/Etchtree Limited	Y
5	507536	Mr Sean Lewis, Assistant Planner Tetlow King Planning	South West HARP Consortium, South West HARP Planning Consortium	N

Appendix 1 – Statement of Representations - Publicity

The statutory adverts giving notice of the publication of the Revised Draft Charging Schedule for Consultation in the following publications:

New Milton Advertiser & Times

Christchurch and East Dorset Council
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Christchurch and East Dorset Councils Community Infrastructure Levy Revised Draft Charging Schedules Consultation 4th December 2015 – 8th January 2016.

Prepared in accordance with the Planning Act and Regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy (Amendment) Regulations 2011, 2012, 2013, 2014 and 2015).

Following consultation on the Revised Preliminary Draft Charging Schedules, Christchurch and East Dorset Councils are now consulting on Community Infrastructure Levy Revised Draft Charging Schedules. This consultation is from the 4th December 2015 to the 8th January 2016.

The Draft Charging Schedules and viability studies have been published and these are available to view online at https://www.dorsetforyou.com/407160 or in hard copy from the following locations:

- **Christchurch Borough Council,** Civic Offices, Bridge Street, Christchurch, BH21 1AZ. Mon – Thurs 8.45am - 5.15pm and Fri 8.45am - 4.45pm
- **Christchurch Information Centre,** 49 High Street, Christchurch, BH23 1AS. Mon-Fri 9.30am – 5pm, Sat 9am -5pm
- **East Dorset District Council,** Council Offices, Furzehill, Wimborne, BH21 4HN. Mon – Thurs 8.45am - 5.15pm and Fri 8.45am - 4.45pm
- **Ferndown Town Council,** The Barrington Centre, Pennys Walk, Ferndown, BH22 9TH. Mon – Fri 10am to 2pm
- **Verwood Town Council, Council Offices,** 28 Vicarage Road, Verwood, BH31 6DW. Mon – Fri 9am - 1pm
- **Wimborne Town Council,** The Town Hall, 37 West Borough, Wimborne, BH211LT. Mon – Fri 9am - 1pm
- **West Moors Parish Council,** 4 Park Way, West Moors, BH22 0HL. Mon, Tues, Thurs & Fri 10am - 1pm
- **Corfe Mullen Parish Council,** Council Office, Towers Way, Corfe Mullen, BH21 3UA. Mon – Fri 9am - 2pm
- **East Dorset Heritage Trust,** Allendale House, Hanham Road, Wimborne, BH21 1AS. Mon – Fri 9.30am - 5pm
- **All public libraries** throughout Christchurch and East Dorset during their normal opening times

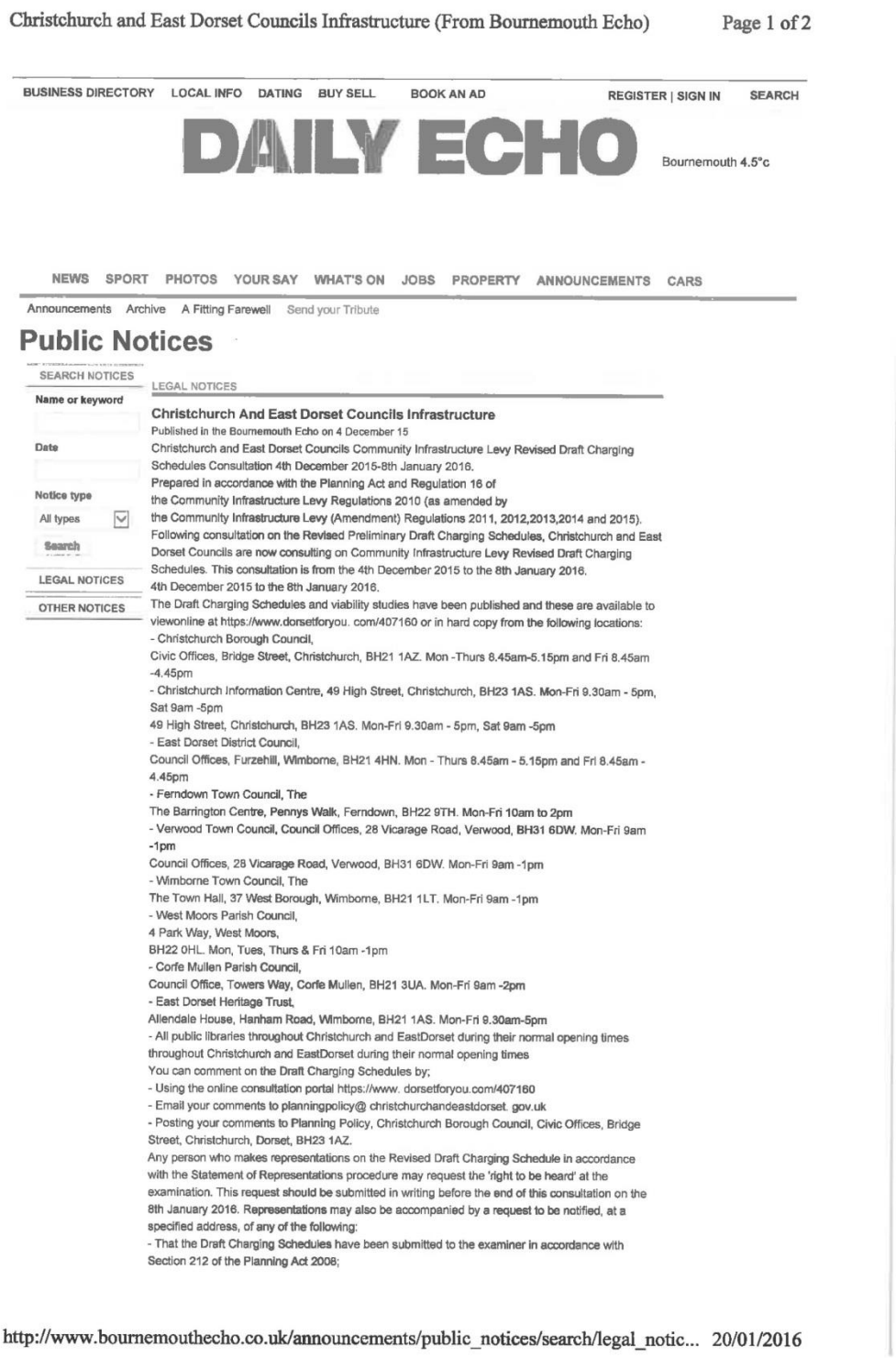
You can comment on the Draft Charging Schedules by;

- Using the online consultation portal https://www.dorsetforyou.com/407160
- Email your comments to planningpolicy@christchurchandeastdorset.gov.uk
- Posting your comments to Planning Policy, Christchurch Borough Council, Civic Offices, Bridge Street, Christchurch, Dorset, BH23 1AZ.

Any person who makes representations on the Revised Draft Charging Schedule in accordance with the Statement of Representations procedure may request the 'right to be heard' at the examination. This request should be submitted in writing before the end of this consultation on the 8th January 2016. Representations may also be accompanied by a request to be notified, at a specified address, of any of the following:

- That the Draft Charging Schedules have 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 Schedules by the Councils

Bournemouth Daily Echo



Christchurch and East Dorset Councils Infrastructure (From Bournemouth Echo) Page 1 of 2

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Christchurch And East Dorset Councils Infrastructure

Published in the Bournemouth Echo on 4 December 15

Christchurch and East Dorset Councils Community Infrastructure Levy Revised Draft Charging Schedules Consultation 4th December 2015-8th January 2016.

Prepared in accordance with the Planning Act and Regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy (Amendment) Regulations 2011, 2012,2013,2014 and 2015).

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The Barrington Centre, Pennys Walk, Ferndown, BH22 9TH. Mon-Fri 10am to 2pm

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- Wimborne Town Council, The

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- West Moors Parish Council,

4 Park Way, West Moors,

BH22 0HL. Mon, Tues, Thurs & Fri 10am -1pm

- Corfe Mullen Parish Council,

Council Office, Towers Way, Corfe Mullen, BH21 3UA. Mon-Fri 9am -2pm

- East Dorset Heritage Trust,

Allendale House, Hanham Road, Wimborne, BH21 1AS. Mon-Fri 9.30am-5pm

- All public libraries throughout Christchurch and EastDorset during their normal opening times throughout Christchurch and EastDorset during their normal opening times

You can comment on the Draft Charging Schedules by;

- Using the online consultation portal https://www. dorsetforyou.com/407160
- Email your comments to planningpolicy@ christchurchandeastdorset. gov.uk
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http://www.bournemouthecho.co.uk/announcements/public_notices/search/legal_notic... 20/01/2016

- The publication of the recommendations ofthe examiner and the reasons for those recommendations;
- The approval of the CIL Charging Schedules bythe Councils

This notice has 30 views.

Salisbury Journal

Public Notices

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Planning Act Revised Draft Charging Schedules Consultation

Published in the Salisbury Journal on 3 December 15

Christchurch and East Dorset Councils Community Infrastructure Levy Revised Draft Charging Schedules Consultation 4th December 2015-8th January 2016. Prepared in accordance with the Planning Act and Regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy (Amendment) Regulations 2011, 2012,2013,2014 and 2015).

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This notice has 2 views.

Stour and Avon Magazine

Christchurch and East Dorset Councils
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Letter sent to all local libraries in respect of the consultation.

Christchurch and East Dorset Councils
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Growth and Economy
Council Offices
Furzehill
Wimborne
Dorset
BH21 4HN

The Librarian
Colehill Public Library
Middlehill Road
Colehill
Wimborne
Dorset
BH21 2HL

Date: 3 December 2015
Contact: Planning Policy
Our Ref:
Your Ref:
Phone: 01202 795081
Email: planningpolicy
@christchurchandeastdorset.gov.uk

Dear Sir/Madam

Christchurch and East Dorset Community Infrastructure Levy (CIL) Partial Review – Publication of Revised Draft Charging Schedules
Consultation Friday 4th December 2015 to Friday 8th January 2016

Please find enclosed the following documents in relation to the above consultation.

- CIL Revised Draft Charging Schedules & Appendices
- Schedule of Amendments to the Revised Draft Charging Schedules
- Statement of Representations Procedure
- Response Form
- Peter Brett Viability Reports
    - Community Infrastructure Levy Report Update: letter clarifying SANGs (Peter Brett Associates) 18 March 2015
    - Community Infrastructure Levy Report Addendum: Viability Update on revised Affordable Housing Thresholds (Peter Brett Associates) January 2015
    - Community Infrastructure Levy Addendum: Viability Testing at 35% & 40% Affordable Housing, and C2 / C3 Uses (Peter Brett Associates) December 2014
    - Community Infrastructure Levy Statement of Modification: Strategic Sites (Peter Brett Associates) November 2014
    - Community Infrastructure Levy Viability Testing (Peter Brett Associates) June 2013

I would be grateful if you could display these documents for public use until 8th January 2016.
If you require additional copies please contact Liz Taylor Tel 01202 795081 or etaylor@christchurchandeastdorset.gov.uk

Yours faithfully,

Simon Trueick
Partnership Planning Policy Manager
Christchurch and East Dorset Councils

Christchurch Borough Council
East Dorset District Council
www.dorsetforyou.com
@cb_edd_councils
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Appendix 2 - A summary of the Comments Raised by the Representations and Councils' Response

Consultee Details	Agent Details	Consultation Point	Comment ID	Comments	Officer Comments
Mr B Pliskin, Clemdell Limited/Etchtree Limited (ID: 779551)	Mr Jonathan Kamm, Town Planning Consultant (ID: 359272)	RDCS 11	CIL-RDCS1	Clemdells objection to the variable and interchangeable rates that can apply to sites of less than 10 units/1000sqm remains. The charging authorities reasoning for retaining this uncertainty is set out in the officer comments column of the Responses to the revised Preliminary Draft Charging Schedule Consultation thusly ' It is considered that the governments response to appeal the decision to quash the NPPG paragraphs in respect of affordable housing on developments of less than 10 is clear evidence of their intention to continue with such a policy approach as soon as possible, and in an unchanged format' That should be set against the NPPG ID 25-020-20140612 that 'A charging authority should take development costs into account when setting its levy rate or rates .. Development costs include costs arising from existing regulatory requirements' (my emphasis) Thus anticipating a very particular change in policy is per se, contrary to national policy. Further that change is isolated from the original policy which include tariff costs so that the charging authorities amendment would apply a higher rate on small developments even if tariffs remained on such sites. That underlines the purpose of NPPG ID 25-020-20140612 - the regulatory requirements may not be the the same if the regulatory environment changes. For example small sites could not be exempted from affordable housing but required to	This representation relates to amendments RDCS11, 12, 13, 14, 15 and 16. This officer response also addresses these amendment IDs. Regarding the section of NPPG ID 25-020-20140612 referred to in the representation, the accompanying viability evidence that justifies the £150 rate does take in to account the regularity requirements including the affordable housing threshold for 10 dwellings or less. The evidence takes account of the cumulative impacts of all of the legislative requirements and other local plan policies and obligations. It was considered robust and a sound basis to justify the charges during the previous examination that took place during the beginning of 2015, and confirmed by the Examiners Report from 10 July 2015 (paragraphs 11 and 20-24). The evidence also includes a scenario with the affordable

Consultee Details	Agent Details	Consultation Point	Comment ID	Comments	Officer Comments
				provide Starter Homes, the exemption may apply to sites of less than five etc - in all cases the higher rate of CIL would be applied in addition to existing regulatory requirements. All that is offered in the Officer comments is 'If the government do introduce an alternative threshold or other requirement in relation to affordable housing provision, the Council's will consider the need for a review at the time' This provides only for uncertainty and is an invasion of national policy. The charging authorities should consider the need for a review when and if the affordable housing requirement changes - which may or may not be a return to an expemtion for 10 units - and take account of all existing regulatory requirements at that time. Affordable housing is just one of those requirements - it can not be taken in isolation.	housing threshold in place, which provides the basis for the £70 residential charge. Therefore it is considered that both these residential rates would meet the requirements set out in the NPPG. So if the Government are successful in their appeal and reintroduce the threshold, this will trigger the £150 rate, as these specific regularity requirements have been tested through the supporting evidence as being viable when taken cumulatively with all the other local and national requirements. But if the regulatory requirements are reintroduced with a different threshold or other factors changed, then this would trigger the need for a formal review of the charging schedules as set out in the CIL Regulations.

Consultee Details	Agent Details	Consultation Point	Comment ID	Comments	Officer Comments
					The formal review process may also be triggered if as yet unknown new regularity requirements are introduced by the Government to the NPPG or other legislation, such as specific arrangements for Starter Homes that in turn had a direct influence on the viability of the development, and hence the amount of CIL that was able to be charged. It is considered that the retention of the £150 rate in its proposed form is within the spirit of the differential rate as set out in the CIL Regulations. It is also an approach supported by the accompanying viability evidence and would allow the Councils to respond in a timely manner to collecting the correct level of funds to contribute towards key infrastructure identified to support the Local Plan. This infrastructure will in turn be required to serve

Consultee Details	Agent Details	Consultation Point	Comment ID	Comments	Officer Comments
					the new development. Following the high court ruling in July 2015, there is sufficient certainty of the government's policy on affordable housing returning in the near future, as the Department for Communities and Local Government (DCLG) were granted permission to appeal the decision in September 2015. The Court of Appeal website currently suggests the case will be heard on the 15 or 16 March 2016, so it is reasonable to assume that a policy change could take place in the first half of 2016 if the appeal is successful.
Mr Tim Hoskinson, Associate Director Savills Ltd (ID: 931684)		RDCS 11	CIL-RDCS11	Savills opinion, the proposed CIL rates appear to be an attempt by the Councils to effectively reserve their position in case there are future, hereto unknown, legislative changes. The revised residential CIL rates therefore revert back to the previously proposed flat residential rate of £70 psm for development on non-strategic sites, with a 'fall-back' rate of £150 psm that would only be applicable if there is a legislative change or national guidance on affordable housing	This representation relates to amendments RDCS11, 12, 13, 14, 15 and 16. This officer response also addresses these amendment IDs. Regarding the use of differential

Consultee Details	Agent Details	Consultation Point	Comment ID	Comments	Officer Comments
				requirements for small sites. We have a number of concerns with this proposed approach, notably whether it is lawful or within the spirit of the Regulations and applicable Statutory CIL Guidance, which are set out in greater detail below. Differential CIL Rates Under the CIL Regulations 2010 (as amended) and the supporting guidance outlined in the National Planning Policy Guidance (NPPG), Charging Authorities are able to introduce differential CIL rates: "The regulations allow charging authorities to apply differential rates in a flexible way, to help ensure the viability of development is not put at risk. Differences in rates need to be justified by reference to the economic viability of development. Differential rates should not be used as a means to deliver policy objectives. Differential rates may be appropriate in relation to - • geographical zones within the charging authority's boundary • *types of development; and/or* • *scales of development* This clearly states that Charging Authorities are able to introduce differential CIL rates where they	CIL rates, the Christchurch and East Dorset Charging Schedules use these, specifically with reference to type and scale of development. Geographical zones also apply by the identification of the New Neighbourhoods. The evidence that justifies all of the proposed rates in the Charging Schedules takes account of the cumulative impacts of all of the legislative requirements and other local plan policies and obligations. It includes a scenario with a £70 charge with the affordable housing threshold in place, and £150 without this national threshold in place. The trigger for this latter charge is only the reintroduction of the regulatory requirements that were tested as viable by the evidence. If the regulatory requirements are

Consultee Details	Agent Details	Consultation Point	Comment ID	Comments	Officer Comments
				are based on one of the three basis above and they are supported by viability evidence. Based on this, we do not therefore believe that the Councils' proposed CIL rates applicable for "*Residential on sites of 10 units or less or less than 1000sqm floorspace (only applicable if there is a legislative change or change in national guidance where no affordable housing provision is required on sites of 10 units or less or less than 1000sqm floorspace).*" will meet the clear tests outlined in the CIL Regulations. Neither the Regulations or Guidance outlines an ability for a Charging Authority to set a CIL rate based on presumptions over future changes to law or policy. Current Policy Requirements In addition to the above, it should be noted that the NPPG requires Charging Authorities to take into account current policy requirements: "A charging authority should take development costs into account when setting its levy rate or rates, particularly those likely to be incurred on strategic sites or brownfield land. A realistic understanding of costs is essential to the proper assessment of viability in an area. Development costs include costs arising from existing regulatory requirements, and any policies on planning obligations in the relevant Plan, such as policies on affordable housing and identified	reintroduced with a different threshold or other factors changed, then this would trigger the need for a formal review of the charging schedules as set out in the CIL Regulations. The evidence as a whole was considered robust and a sound basis to justify the charges during the previous CIL Examination that took place during the beginning of 2015, and confirmed by the Examiners report from 10 July 2015. Rather than providing unnecessary flexibility, this approach only relates to the re-introduction of the affordable housing threshold – any other change to legislation or other factors such as significant changes to housing delivery would trigger the formal review mechanism as set out in the CIL Regulations. This is where they

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				site-specific requirements for strategic sites." This is in-line with the National Planning Policy Framework (NPPF), which refers to the ***"cumulative impacts"2*** of standards and policies relating to the economic impact of these policies (such as affordable housing) and that these should not put the implementation of the plan at serious risk. Existing policy requirements should therefore be considered when assessing the impact of CIL on development viability. We therefore believe it is inappropriate to consider potential future changes to policy requirements (such as affordable housing) in setting CIL rates. Doing to would set a precedent of uncertainty, and introduce a potentially endless list of potential scenarios, which would undermine any form of objective analysis of a CIL Charging Schedule at Examination. Review Mechanism Under the CIL Regulations 2010 (as amended), a Charging Authority is able to undertake a review of the Charging Schedule in order to amend the implemented CIL rates We would therefore suggest that the Councils have suitable flexibility under the CIL Regulations to revise their CIL Rates accordingly in the event that national policy requirements change.	have a direct influence on the viability of the development and hence the amount of CIL that was able to be charged. In summary it is considered retaining the £150 rate with the trigger of the return of a specific regulatory requirement is the logical approach that is within the spirit of the differential rates set out in the CIL Regulations and a chargeable amount that is supported by the viability evidence. It will also limit the delay that a formal review of CIL could incur in collecting sufficient funds - in a viable manner - to pay for key infrastructure identified to support the Local Plan. This infrastructure will in turn be needed to serve the new development. Following the high court ruling in July 2015, there is sufficient certainty of the government's

Consultee Details	Agent Details	Consultation Point	Comment ID	Comments	Officer Comments
				Conclusion For the reasons set out above, we strongly object to the proposed amendments to the residential CIL rates in the Councils' respective PDCS. In particular, the fact that the proposed changes: i) Do not meet the grounds for differential rates as set out in the NPPG; ii) Are not based on current policy requirements and attempt to fix the viability impact of unknown future changes to affordable housing policy; and iii) Unnecessary given the flexibility afforded Charging Authorities within the CIL Regulations to review their Charging Schedules. We therefore strongly urge the Councils to remove the proposed CIL rate linked to future changes in policy requirements, as we do not believe that they meet the tests outlined in the CIL Regulations or NPPG.	policy on affordable housing returning in the near future, as the Department for Communities and Local Government (DCLG) were granted permission to appeal the decision in September 2015. The Court of Appeal website currently suggests the case will be heard on the 15 or 16 March 2016, so it is reasonable to assume that a policy change could take place in the first half of 2016 if the appeal is successful.
Mr B Pliskin, Clemdell Limited/Etchtree Limited (ID: 779551)	Mr Jonathan Kamm, Town Planning Consultant (ID: 359272)	RDCS 12	CIL-RDCS2	Clemdells objection to the variable and interchangeable rates that can apply to sites of less than 10 units/1000sqm remains. The charging authorities reasoning for retaining this uncertainty is set out in the officer comments column of the Responses to the revised	Please see response to RDCS11.

Consultee Details	Agent Details	Consultation Point	Comment ID	Comments	Officer Comments
				Preliminary Draft Charging Schedule Consultation thusly ' It is considered that the government's response to appeal the decision to quash the NPPG paragraphs in respect of affordable housing on developments of less than 10 is clear evidence of their intention to continue with such a policy approach as soon as possible, and in an unchanged format' That should be set against the NPPG ID 25-020-20140612 that 'A charging authority should take development costs into account when setting its levy rate or rates. Development costs include costs arising from existing regulatory requirements' (my emphasis) Thus anticipating a very particular change in policy is per se, contrary to national policy. Further that change is isolated from the original policy, which include tariff costs so that the charging authorities' amendment would apply a higher rate on small developments even if tariffs remained on such sites. That underlines the purpose of NPPG ID 25-020-20140612 - the regulatory requirements may not be the same if the regulatory environment changes. For example small sites could not be exempted from affordable housing but required to provide Starter Homes, the exemption may apply to sites of less than five etc. - in all cases the higher rate of CIL would be applied in addition to existing regulatory requirements. All that is offered in the Officer comments is 'If the government do introduce an alternative threshold	

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				or other requirement in relation to affordable housing provision, the Council's will consider the need for a review at the time' This provides only for uncertainty and is an invasion of national policy. The charging authorities should consider the need for a review when and if the affordable housing requirement changes - which may or may not be a return to an exemption for 10 units - and take account of all existing regulatory requirements at that time. Affordable housing is just one of those requirements - it cannot be taken in isolation.	
Mr Tim Hoskinson, Associate Director Savills Ltd (ID: 931684)		RDCS 12	CIL-RDCS12	Savills opinion, the proposed CIL rates appear to be an attempt by the Councils to effectively reserve their position in case there are future, hereto unknown, legislative changes. The revised residential CIL rates therefore revert back to the previously proposed flat residential rate of £70 psm for development on non-strategic sites, with a 'fall-back' rate of £150 psm that would only be applicable if there is a legislative change or national guidance on affordable housing requirements for small sites. We have a number of concerns with this proposed approach, notably whether it is lawful or within the spirit of the Regulations and applicable Statutory CIL Guidance, which are set out in greater detail below. Differential CIL Rates Under the CIL Regulations 2010 (as amended) and the supporting guidance outlined in the National	Please see response to RDCS11.

Consultee Details	Agent Details	Consultation Point	Comment ID	Comments	Officer Comments
				Planning Policy Guidance (NPPG), Charging Authorities are able to introduce differential CIL rates: "The regulations allow charging authorities to apply differential rates in a flexible way, to help ensure the viability of development is not put at risk. Differences in rates need to be justified by reference to the economic viability of development. Differential rates should not be used as a means to deliver policy objectives. Differential rates may be appropriate in relation to - • geographical zones within the charging authority's boundary • *types of development; and/or* • *scales of development* This clearly states that Charging Authorities are able to introduce differential CIL rates where they are based on one of the three basis above and they are supported by viability evidence. Based on this, we do not therefore believe that the Councils' proposed CIL rates applicable for " *Residential on sites of 10 units or less or less than 1000sqm floorspace (only applicable if there is a legislative change or change in national guidance where no affordable housing provision is required on sites of 10 units or less or less than 1000sqm floorspace).* will meet the clear tests outlined in the CIL Regulations. Neither the Regulations or Guidance outlines an ability for a Charging Authority to set a	

Consultee Details	Agent Details	Consultation Point	Comment ID	Comments	Officer Comments
				CIL rate based on presumptions over future changes to law or policy. Current Policy Requirements In addition to the above, it should be noted that the NPPG requires Charging Authorities to take into account current policy requirements: "A charging authority should take development costs into account when setting its levy rate or rates, particularly those likely to be incurred on strategic sites or brownfield land. A realistic understanding of costs is essential to the proper assessment of viability in an area. Development costs include costs arising from existing regulatory requirements, and any policies on planning obligations in the relevant Plan, such as policies on affordable housing and identified site-specific requirements for strategic sites." This is in-line with the National Planning Policy Framework (NPPF), which refers to the ***"cumulative impacts"*** of standards and policies relating to the economic impact of these policies (such as affordable housing) and that these should not put the implementation of the plan at serious risk. Existing policy requirements should therefore be considered when assessing the impact of CIL on development viability. We therefore believe it is inappropriate to consider	

Consultee Details	Agent Details	Consultation Point	Comment ID	Comments	Officer Comments
				potential future changes to policy requirements (such as affordable housing) in setting CIL rates. Doing to would set a precedent of uncertainty, and introduce a potentially endless list of potential scenarios, which would undermine any form of objective analysis of a CIL Charging Schedule at Examination. Review Mechanism Under the CIL Regulations 2010 (as amended), a Charging Authority is able to undertake a review of the Charging Schedule in order to amend the implemented CIL rates We would therefore suggest that the Councils have suitable flexibility under the CIL Regulations to revise their CIL Rates accordingly in the event that national policy requirements change. Conclusion For the reasons set out above, we strongly object to the proposed amendments to the residential CIL rates in the Councils' respective PDCS. In particular, the fact that the proposed changes: i) Do not meet the grounds for differential rates as set out in the NPPG; ii) Are not based on current policy requirements and attempt to fix the viability impact of unknown future changes to affordable housing policy; and	

Consultee Details	Agent Details	Consultation Point	Comment ID	Comments	Officer Comments
				iii) Unnecessary given the flexibility afforded Charging Authorities within the CIL Regulations to review their Charging Schedules. We therefore strongly urge the Councils to remove the proposed CIL rate linked to future changes in policy requirements, as we do not believe that they meet the tests outlined in the CIL Regulations or NPPG.	
Mr B Pliskin, Clemdell Limited/Etchtree Limited (ID: 779551)	Mr Jonathan Kamm, Town Planning Consultant (ID: 359272)	RDCS 13	CIL-RDCS3	Clemdells objection to the variable and interchangeable rates that can apply to sites of less than 10 units/1000sqm remains. The charging authorities reasoning for retaining this uncertainty is set out in the officer comments column of the Responses to the revised Preliminary Draft Charging Schedule Consultation thusly ' It is considered that the government's response to appeal the decision to quash the NPPG paragraphs in respect of affordable housing on developments of less than 10 is clear evidence of their intention to continue with such a policy approach as soon as possible, and in an unchanged format' That should be set against the NPPG ID 25-020-20140612 that 'A charging authority should take development costs into account when setting its levy rate or rates. Development costs include costs arising from existing regulatory requirements' (my	Please see response to RDCS11.

Consultee Details	Agent Details	Consultation Point	Comment ID	Comments	Officer Comments
				emphasis) Thus anticipating a very particular change in policy is per se, contrary to national policy. Further that change is isolated from the original policy, which include tariff costs so that the charging authorities' amendment would apply a higher rate on small developments even if tariffs remained on such sites. That underlines the purpose of NPPG ID 25-020-20140612 - the regulatory requirements may not be the same if the regulatory environment changes. For example small sites could not be exempted from affordable housing but required to provide Starter Homes, the exemption may apply to sites of less than five etc. - in all cases the higher rate of CIL would be applied in addition to existing regulatory requirements. All that is offered in the Officer comments is 'If the government do introduce an alternative threshold or other requirement in relation to affordable housing provision, the Council's will consider the need for a review at the time' This provides only for uncertainty and is an invasion of national policy. The charging authorities should consider the need for a review when and if the affordable housing requirement changes - which may or may not be a return to an exemption for 10 units - and take account of all existing regulatory requirements at that time. Affordable housing is just one of those requirements - it cannot be taken in isolation.	
Mr Tim Hoskinson,		RDCS 13	CIL-RDCS13	In Savills opinion, the proposed CIL rates appear to be an attempt by the Councils to effectively	Please see response to RDCS11.

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Associate Director Savills Ltd (ID: 931684)				reserve their position in case there are future, hereto unknown, legislative changes. The revised residential CIL rates therefore revert back to the previously proposed flat residential rate of £70 psm for development on non-strategic sites, with a 'fall-back' rate of £150 psm that would only be applicable if there is a legislative change or national guidance on affordable housing requirements for small sites. We have a number of concerns with this proposed approach, notably whether it is lawful or within the spirit of the Regulations and applicable Statutory CIL Guidance, which are set out in greater detail below. Differential CIL Rates Under the CIL Regulations 2010 (as amended) and the supporting guidance outlined in the National Planning Policy Guidance (NPPG), Charging Authorities are able to introduce differential CIL rates: "The regulations allow charging authorities to apply differential rates in a flexible way, to help ensure the viability of development is not put at risk. Differences in rates need to be justified by reference to the economic viability of development. Differential rates should not be used as a means to deliver policy objectives.	

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				Differential rates may be appropriate in relation to - • geographical zones within the charging authority's boundary • *types of development; and/or* • *scales of development* This clearly states that Charging Authorities are able to introduce differential CIL rates where they are based on one of the three basis above and they are supported by viability evidence. Based on this, we do not therefore believe that the Councils' proposed CIL rates applicable for " *Residential on sites of 10 units or less or less than 1000sqm floorspace (only applicable if there is a legislative change or change in national guidance where no affordable housing provision is required on sites of 10 units or less or less than 1000sqm floorspace).* " will meet the clear tests outlined in the CIL Regulations. Neither the Regulations or Guidance outlines an ability for a Charging Authority to set a CIL rate based on presumptions over future changes to law or policy. Current Policy Requirements In addition to the above, it should be noted that the NPPG requires Charging Authorities to take into account current policy requirements: "A charging authority should take development costs into account when setting its levy rate or rates, particularly those likely to be incurred on	

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				strategic sites or brownfield land. A realistic understanding of costs is essential to the proper assessment of viability in an area. Development costs include costs arising from existing regulatory requirements, and any policies on planning obligations in the relevant Plan, such as policies on affordable housing and identified site-specific requirements for strategic sites." This is in-line with the National Planning Policy Framework (NPPF), which refers to the ***"cumulative impacts"*** of standards and policies relating to the economic impact of these policies (such as affordable housing) and that these should not put the implementation of the plan at serious risk. Existing policy requirements should therefore be considered when assessing the impact of CIL on development viability. We therefore believe it is inappropriate to consider potential future changes to policy requirements (such as affordable housing) in setting CIL rates. Doing to would set a precedent of uncertainty, and introduce a potentially endless list of potential scenarios, which would undermine any form of objective analysis of a CIL Charging Schedule at Examination. Review Mechanism Under the CIL Regulations 2010 (as amended), a Charging Authority is able to undertake a review of	

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				the Charging Schedule in order to amend the implemented CIL rates We would therefore suggest that the Councils have suitable flexibility under the CIL Regulations to revise their CIL Rates accordingly in the event that national policy requirements change. Conclusion For the reasons set out above, we strongly object to the proposed amendments to the residential CIL rates in the Councils' respective PDCS. In particular, the fact that the proposed changes: i) Do not meet the grounds for differential rates as set out in the NPPG; ii) Are not based on current policy requirements and attempt to fix the viability impact of unknown future changes to affordable housing policy; and iii) Unnecessary given the flexibility afforded Charging Authorities within the CIL Regulations to review their Charging Schedules. We therefore strongly urge the Councils to remove the proposed CIL rate linked to future changes in policy requirements, as we do not believe that they meet the tests outlined in the CIL Regulations or NPPG.	

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Mr Stuart Tizzard (ID: 891270)		RDCS 13	CIL-RDCS17	When assessing the level of CILS please take a common sense look at the ramifications of setting these too high. As with any form of taxation , if the level is set too high it results in lower activity and lower tax receipts.In the case of CILS the current levels in most areas are simply punative and result in rendering many potential development opportunities unviable.To start with we must agree that redevelopment of existing sites and within the residential zones is a good thing, providing more housing, local employment and council tax receipts and CILS. Why is it that local government does not seem to understand that , by rendering the potential development opportunities unviable through over taxation, then the local area and authority lose out as these development opportunities just do not happen. Keep CILS realistic, enable local development ,and enjoy the fruits of such development, including more financial contributions through higher activity and improved housing supply	This representation relates to amendments RDCS13, 14, 15 and 16. This officer response also addresses these amendment IDs. Regarding the issues raised in this representation, they are based on concerns that the levels of CIL proposed to be charged will make development unviable. In response to this, any rate the Councils propose to charge must be supported by evidence that confirms it is viable based on the impacts of all of the legislative requirements and other local plan policies and obligations that a development has to address. This evidence was considered robust and a sound basis to justify the charges during the previous examination that took place

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					during the beginning of 2015, and confirmed by the Examiner's Report from 10 July 2015. In addition to this, the proposed £150 would only trigger if the liability to provide affordable housing on developments of less than 10 units was removed – therefore taking in to account all relevant legislative requirements.
Mr B Pliskin, Clemdell Limited/Etchtree Limited (ID: 779551)	Mr Jonathan Kamm, Town Planning Consultant (ID: 359272)	RDCS 14	CIL-RDCS4	Clemdells objection to the variable and interchangeable rates that can apply to sites of less than 10 units/1000sqm remains. The charging authorities reasoning for retaining this uncertainty is set out in the officer comments column of the Responses to the revised Preliminary Draft Charging Schedule Consultation thusly ' It is considered that the government's response to appeal the decision to quash the NPPG paragraphs in respect of affordable housing on developments of less than 10 is clear evidence of their intention to continue with such a policy approach as soon as possible, and in an unchanged format' That should be set against the NPPG ID 25-020-20140612 that 'A charging authority should take	Please see response to RDCS11.

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				development costs into account when setting its levy rate or rates. Development costs include costs arising from existing regulatory requirements' (my emphasis) Thus anticipating a very particular change in policy is per se, contrary to national policy. Further that change is isolated from the original policy, which include tariff costs so that the charging authorities' amendment would apply a higher rate on small developments even if tariffs remained on such sites. That underlines the purpose of NPPG ID 25-020-20140612 - the regulatory requirements may not be the same if the regulatory environment changes. For example small sites could not be exempted from affordable housing but required to provide Starter Homes, the exemption may apply to sites of less than five etc. - in all cases the higher rate of CIL would be applied in addition to existing regulatory requirements. All that is offered in the Officer comments is 'If the government do introduce an alternative threshold or other requirement in relation to affordable housing provision, the Council's will consider the need for a review at the time' This provides only for uncertainty and is an invasion of national policy. The charging authorities should consider the need for a review when and if the affordable housing requirement changes - which may or may not be a return to an exemption for 10 units - and take account of all existing regulatory requirements at that time. Affordable housing is just one of those requirements - it cannot be taken in isolation.	

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Mr A Rance, Libra Homes Ltd (ID: 521642)	Mr Peter Atfield, Director Goadsby Ltd (ID: 359264)	RDCS 14	CIL-RDCS9	RDCS 14 & RDCS 16 seek to increase the CIL contribution from the development of sites of 10 dwellings and less, to £150.00 m2 , in the event that the High Court decision of July 2015 is overturned. The evidence to support the proposed charging rate is stated to be set out in the reports of Peter Brett Associates (PBA) dated June 2013, December 2014 and January 2015. In our opinion, some of the evidence and assumptions in these reports is not regarded as sound. For example, in the 2013 PBA Report, Paragraph 4.8 asserts that if the Residual Land Value (RLV) of a site is equal to its benchmark value, it is viable – albeit without CIL being charged. This is incorrect. Landowners will not make sites available for development if there is no incentive for them to do so. An RLV generated by a grant of planning permission that is equivalent to the value of the site as it is – the benchmark value – generates no additional profit – and will not come forward for development. Paragraph 4.8 also states that where RLV exceeds the benchmark value, then development is viable and CIL can be captured. That may, or may not, be the case. Viability is not the sole test of whether a site will come forward for development. The key test is deliverability. Benchmark land values must be exceeded by a sufficiently high RLV in order for a landowner to make his / her site available for development. The return must be competitive, as required by the National Planning Policy Framework (NPPF) and the supporting National Planning Policy Guidance (NPPG).	This representation relates to amendments RDCS14 and 16. This officer response also addresses these two amendment IDs. The main thrust of this representation are concerns the evidence provided by Peter Brett Associates to support the higher £150 rate is unsound and may act as a disincentive to housing delivery. The Peter Brett viability evidence that taken as a whole justifies all the rates including that of £150, uses a methodology that is considered robust and a sound basis to justify the charges during the previous examination that took place during the beginning of 2015. The Examiner's Report from 10 July 2015 concluded that the Councils' have sufficient evidence to support the schedules and can show that the levy is set

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				There is no guidance as to what constitutes a competitive return to a landowner. Research commissioned by DCLG suggests that for Greenfield sites, the uplift from existing use value should be in the order of £300K/£400K per net developable acre (£740K/990K per hectare). However, in Christchurch and East Dorset the impact of CIL in this scenario is largely irrelevant as most green field sites – in the form of urban extensions – are CIL exempt. The issue to be addressed is therefore whether the evidence that supports the proposed CIL Charging Schedule is soundly based insofar as it applies to the development of brownfield sites and those considered appropriate for re-development at higher densities – urban intensification. The PBA research hypothesises that benchmark land values are £1.5M and £1.65M per hectare (ha) (£600K/£667K per acre). The latter figure is taken for the purposes of this consultation response. It is however considered to be wholly inappropriate as it is lacking evidence to support it – or what it is even meant to represent. For example, Section 5 of the 2013 PBA Report sets out commentary on a range of values associated with different types of use, but without being clear as to whether the values are for development land, or the completed investment value. Examples are as follows (all values are per ha): • Residential – land transactions at £1.5M/£1.65M.	at a level that will not put the overall development of the area at risk. Further detail is given in paragraphs 11 and 20-24. This evidence took account of the types of site – greenfield and brownfield, along with the development type and scale. Along with its approach to the calculation land costs, the evidence also takes account of the cumulative impacts of all of the legislative requirements and other local plan policies and obligations. This includes scenarios with and without the Government's threshold for affordable housing provision. Therefore it is considered the evidence continues to provide a sound basis for the Christchurch and East Dorset Charging Schedules.

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				• Industrial – land transactions at £1.235M. • Retail - £2.6M based on rents and yields (does this imply that this is the investment value?). • Care Homes - £1.4M (is this a land value – the report accepts that the evidence is scarce?). • Hotels - £2M (is this a land value as well – the report accepts that the evidence is scarce?). (Our underlining and italic emphasis) Taking the residential use as an example, £1.65M per ha equates to £668K per acre. For schemes of urban intensification through demolition and re-development, it would not be possible to acquire land as cheaply as this, when it would already accommodate existing dwellings; in the case of a one acre site, probably between four and eight. The only scenario where the PBA benchmark figure works is with the development of garden land, without requiring any demolition. We consider that a residential benchmark value, where demolition is required, is nearer £5M per ha. Taking industrial use as another example, it is clear that the PBA Report is based on a land transaction where there is no demolition. This is an unlikely scenario, given the local plan policies that protect employment land. However, in the event that an existing industrial building could be	

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				purchased for residential re-development, it would need to be valued as a commercial investment, taking into account the rental stream. Prices, on a per ha or per acre basis will vary according to the age, condition and location of the building. On the assumption that a building is in a relatively poor condition, the likely purchase price for a factory of, say, 2,000 m2 floor space with parking on one acre of land would be in the order of £800K. This equated to £2M per ha. Given the need to incentivise an owner to sell a factory site and establish a profit, a benchmark value is considered to be in the order of £2.5M per ha. This is approximately half of our residential benchmark value – a ratio that is most commonly found in the South East Dorset property market area. On this basis it is considered that the evidence to support a higher CIL rate for sites of up to 10 dwellings (in the event that the Government affordable housing threshold is re-introduced) is unsound. The use of the current threshold land values, and their assessment against RLV, needs to be re-considered so as to establish a CIL charging rate that will not act as a disincentive to housing delivery - particularly from small sites. Furthermore, placing an additional financial 'hurdle' to delivering much needed housing development from small sites flies in the face of Government policy, which is seeking to increase supply this source. A reduction in the CIL liability will be	

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				consistent with the national policy, and is regarded as sound.	
Mr Tim Hoskinson, Associate Director Savills Ltd (ID: 931684)		RDCS 14	CIL-RDCS14	Savills opinion, the proposed CIL rates appear to be an attempt by the Councils to effectively reserve their position in case there are future, hereto unknown, legislative changes. The revised residential CIL rates therefore revert back to the previously proposed flat residential rate of £70 psm for development on non-strategic sites, with a 'fall-back' rate of £150 psm that would only be applicable if there is a legislative change or national guidance on affordable housing requirements for small sites. We have a number of concerns with this proposed approach, notably whether it is lawful or within the spirit of the Regulations and applicable Statutory CIL Guidance, which are set out in greater detail below. Differential CIL Rates Under the CIL Regulations 2010 (as amended) and the supporting guidance outlined in the National Planning Policy Guidance (NPPG), Charging Authorities are able to introduce differential CIL rates: "The regulations allow charging authorities to apply differential rates in a flexible way, to help ensure the viability of development is not put at risk.	Please see response to RDCS11.

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				Differences in rates need to be justified by reference to the economic viability of development. Differential rates should not be used as a means to deliver policy objectives. Differential rates may be appropriate in relation to • geographical zones within the charging authority's boundary • *types of development; and/or* • *scales of development* This clearly states that Charging Authorities are able to introduce differential CIL rates where they are based on one of the three basis above and they are supported by viability evidence. Based on this, we do not therefore believe that the Councils' proposed CIL rates applicable for " *Residential on sites of 10 units or less or less than 1000sqm floorspace (only applicable if there is a legislative change or change in national guidance where no affordable housing provision is required on sites of 10 units or less or less than 1000sqm floorspace).*" will meet the clear tests outlined in the CIL Regulations. Neither the Regulations or Guidance outlines an ability for a Charging Authority to set a CIL rate based on presumptions over future changes to law or policy. Current Policy Requirements In addition to the above, it should be noted that the NPPG requires Charging Authorities to take into	

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				account current policy requirements: "A charging authority should take development costs into account when setting its levy rate or rates, particularly those likely to be incurred on strategic sites or brownfield land. A realistic understanding of costs is essential to the proper assessment of viability in an area. Development costs include costs arising from existing regulatory requirements, and any policies on planning obligations in the relevant Plan, such as policies on affordable housing and identified site-specific requirements for strategic sites." This is in-line with the National Planning Policy Framework (NPPF), which refers to the ***"cumulative impacts"*** of standards and policies relating to the economic impact of these policies (such as affordable housing) and that these should not put the implementation of the plan at serious risk. Existing policy requirements should therefore be considered when assessing the impact of CIL on development viability. We therefore believe it is inappropriate to consider potential future changes to policy requirements (such as affordable housing) in setting CIL rates. Doing to would set a precedent of uncertainty, and introduce a potentially endless list of potential scenarios, which would undermine any form of objective analysis of a CIL Charging Schedule at	

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				Examination. Review Mechanism Under the CIL Regulations 2010 (as amended), a Charging Authority is able to undertake a review of the Charging Schedule in order to amend the implemented CIL rates. We would therefore suggest that the Councils have suitable flexibility under the CIL Regulations to revise their CIL Rates accordingly in the event that national policy requirements change. Conclusion For the reasons set out above, we strongly object to the proposed amendments to the residential CIL rates in the Councils' respective PDCS. In particular, the fact that the proposed changes: i) Do not meet the grounds for differential rates as set out in the NPPG; ii) Are not based on current policy requirements and attempt to fix the viability impact of unknown future changes to affordable housing policy; and iii) Unnecessary given the flexibility afforded Charging Authorities within the CIL Regulations to review their Charging Schedules. We therefore strongly urge the Councils to remove the proposed CIL rate linked to future changes in	

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				policy requirements, as we do not believe that they meet the tests outlined in the CIL Regulations or NPPG.	
Mr Stuart Tizzard (ID: 891270)		RDCS 14	CIL-RDCS18	When assessing the level of CILS please take a common sense look at the ramifications of setting these too high. As with any form of taxation , if the level is set too high it results in lower activity and lower tax receipts.In the case of CILS the current levels in most areas are simply punative and result in rendering many potential development opportunities unviable. To start with we must agree that redevelopment of existing sites and within the residential zones is a good thing, providing more housing, local employment and council tax receipts and CILS. Why is it that local government does not seem to understand that , by rendering the potential development opportunities unviable through over taxation, then the local area and authority lose out as these development opportunities just do not happen. Keep CILS realistic, enable local development ,and enjoy the fruits of such development, including more financial contributions through higher activity and improved housing supply	Please see response to RDCS13.

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Mr B Pliskin, Clemdell Limited/Etchtree Limited (ID: 779551)	Mr Jonathan Kamm, Town Planning Consultant (ID: 359272)	RDCS 15	CIL-RDCS5	Clemdells objection to the variable and interchangeable rates that can apply to sites of less than 10 units/1000sqm remains. The charging authorities reasoning for retaining this uncertainty is set out in the officer comments column of the Responses to the revised Preliminary Draft Charging Schedule Consultation thusly ' It is considered that the government's response to appeal the decision to quash the NPPG paragraphs in respect of affordable housing on developments of less than 10 is clear evidence of their intention to continue with such a policy approach as soon as possible, and in an unchanged format' That should be set against the NPPG ID 25-020-20140612 that 'A charging authority should take development costs into account when setting its levy rate or rates. Development costs include costs arising from existing regulatory requirements' (my emphasis) Thus anticipating a very particular change in policy is per se, contrary to national policy. Further that change is isolated from the original policy, which include tariff costs so that the charging authorities' amendment would apply a higher rate on small developments even if tariffs remained on such sites. That underlines the purpose of NPPG ID 25-020-20140612 - the regulatory requirements may not be the same if the regulatory environment changes. For example small sites could not be exempted from affordable housing but required to	Please see response to RDCS11.

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				provide Starter Homes, the exemption may apply to sites of less than five etc. - in all cases the higher rate of CIL would be applied in addition to existing regulatory requirements. All that is offered in the Officer comments is 'If the government do introduce an alternative threshold or other requirement in relation to affordable housing provision, the Council's will consider the need for a review at the time' This provides only for uncertainty and is an invasion of national policy. The charging authorities should consider the need for a review when and if the affordable housing requirement changes - which may or may not be a return to an exemption for 10 units - and take account of all existing regulatory requirements at that time. Affordable housing is just one of those requirements - it cannot be taken in isolation.	
Mr Tim Hoskinson, Associate Director Savills Ltd (ID: 931684)		RDCS 15	CIL-RDCS15	In Savills opinion, the proposed CIL rates appear to be an attempt by the Councils to effectively reserve their position in case there are future, hereto unknown, legislative changes. The revised residential CIL rates therefore revert back to the previously proposed flat residential rate of £70 psm for development on non-strategic sites, with a 'fall-back' rate of £150 psm that would only be applicable if there is a legislative change or national guidance on affordable housing requirements for small sites. We have a number of concerns with this proposed approach, notably whether it is lawful or within the spirit of the Regulations and applicable Statutory	Please see response to RDCS11.

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				CIL Guidance, which are set out in greater detail below. Differential CIL Rates Under the CIL Regulations 2010 (as amended) and the supporting guidance outlined in the National Planning Policy Guidance (NPPG), Charging Authorities are able to introduce differential CIL rates: "The regulations allow charging authorities to apply differential rates in a flexible way, to help ensure the viability of development is not put at risk. Differences in rates need to be justified by reference to the economic viability of development. Differential rates should not be used as a means to deliver policy objectives. Differential rates may be appropriate in relation to - • geographical zones within the charging authority's boundary • *types of development; and/or* • *scales of development* This clearly states that Charging Authorities are able to introduce differential CIL rates where they are based on one of the three basis above and they are supported by viability evidence. Based on this, we do not therefore believe that the Councils' proposed CIL rates applicable for " *Residential on sites of 10 units or less or less than 1000sqm*	

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				floorspace (only applicable if there is a legislative change or change in national guidance where no affordable housing provision is required on sites of 10 units or less or less than 1000sqm floorspace). " will meet the clear tests outlined in the CIL Regulations. Neither the Regulations or Guidance outlines an ability for a Charging Authority to set a CIL rate based on presumptions over future changes to law or policy. Current Policy Requirements In addition to the above, it should be noted that the NPPG requires Charging Authorities to take into account current policy requirements: "A charging authority should take development costs into account when setting its levy rate or rates, particularly those likely to be incurred on strategic sites or brownfield land. A realistic understanding of costs is essential to the proper assessment of viability in an area. Development costs include costs arising from existing regulatory requirements, and any policies on planning obligations in the relevant Plan, such as policies on affordable housing and identified site-specific requirements for strategic sites." This is in-line with the National Planning Policy Framework (NPPF), which refers to the ***"cumulative impacts"***of standards and policies relating to the economic impact of these policies	

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				(such as affordable housing) and that these should not put the implementation of the plan at serious risk. Existing policy requirements should therefore be considered when assessing the impact of CIL on development viability. We therefore believe it is inappropriate to consider potential future changes to policy requirements (such as affordable housing) in setting CIL rates. Doing to would set a precedent of uncertainty, and introduce a potentially endless list of potential scenarios, which would undermine any form of objective analysis of a CIL Charging Schedule at Examination. Review Mechanism Under the CIL Regulations 2010 (as amended), a Charging Authority is able to undertake a review of the Charging Schedule in order to amend the implemented CIL rates . We would therefore suggest that the Councils have suitable flexibility under the CIL Regulations to revise their CIL Rates accordingly in the event that national policy requirements change. Conclusion For the reasons set out above, we strongly object to the proposed amendments to the residential CIL rates in the Councils' respective PDCS. In particular, the fact that the proposed changes:	

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				i) Do not meet the grounds for differential rates as set out in the NPPG; ii) Are not based on current policy requirements and attempt to fix the viability impact of unknown future changes to affordable housing policy; and iii) Unnecessary given the flexibility afforded Charging Authorities within the CIL Regulations to review their Charging Schedules. We therefore strongly urge the Councils to remove the proposed CIL rate linked to future changes in policy requirements, as we do not believe that they meet the tests outlined in the CIL Regulations or NPPG.	
Mr Stuart Tizzard (ID: 891270)		RDCS 15	CIL-RDCS19	When assessing the level of CILS please take a common sense look at the ramifications of setting these too high. As with any form of taxation , if the level is set too high it results in lower activity and lower tax receipts. In the case of CILS the current levels in most areas are simply punative and result in rendering many potential development opportunities unviable. To start with we must agree that redevelopment of existing sites and within the residential zones is a	Please see response to RDCS13.

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				good thing, providing more housing, local employment and council tax receipts and CILS. Why is it that local government does not seem to understand that , by rendering the potential development opportunities unviable through over taxation, then the local area and authority lose out as these development opportunities just do not happen. Keep CILS realistic, enable local development ,and enjoy the fruits of such development, including more financial contributions through higher activity and improved housing supply.	
Mr B Pliskin, Clemdell Limited/Etchtree Limited (ID: 779551)	Mr Jonathan Kamm, Town Planning Consultant (ID: 359272)	RDCS 16	CIL-RDCS6	Clemdells objection to the variable and interchangeable rates that can apply to sites of less than 10 units/1000sqm remains. The charging authorities reasoning for retaining this uncertainty is set out in the officer comments column of the Responses to the revised Preliminary Draft Charging Schedule Consultation thusly ' It is considered that the government's response to appeal the decision to quash the NPPG paragraphs in respect of affordable housing on developments of less than 10 is clear evidence of their intention to continue with such a policy approach as soon as possible, and in an unchanged format' That should be set against the NPPG ID 25-020-20140612 that 'A charging authority should take development costs into account when setting its levy rate or rates. Development costs include costs	Please see response to RDCS11.

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				arising from existing regulatory requirements' (my emphasis) Thus anticipating a very particular change in policy is per se, contrary to national policy. Further that change is isolated from the original policy, which include tariff costs so that the charging authorities' amendment would apply a higher rate on small developments even if tariffs remained on such sites. That underlines the purpose of NPPG ID 25-020-20140612 - the regulatory requirements may not be the same if the regulatory environment changes. For example small sites could not be exempted from affordable housing but required to provide Starter Homes, the exemption may apply to sites of less than five etc. - in all cases the higher rate of CIL would be applied in addition to existing regulatory requirements. All that is offered in the Officer comments is 'If the government do introduce an alternative threshold or other requirement in relation to affordable housing provision, the Council's will consider the need for a review at the time' This provides only for uncertainty and is an invasion of national policy. The charging authorities should consider the need for a review when and if the affordable housing requirement changes - which may or may not be a return to an exemption for 10 units - and take account of all existing regulatory requirements at that time. Affordable housing is just one of those requirements - it cannot be taken in isolation.	

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Mr A Rance, Libra Homes Ltd (ID: 521642)	Mr Peter Atfield, Director Goadsby Ltd (ID: 359264)	RDCS 16	CIL-RDCS10	RDCS 14 & RDCS 16 seek to increase the CIL contribution from the development of sites of 10 dwellings and less, to £150.00 m2 , in the event that the High Court decision of July 2015 is overturned. The evidence to support the proposed charging rate is stated to be set out in the reports of Peter Brett Associates (PBA) dated June 2013, December 2014 and January 2015. In our opinion, some of the evidence and assumptions in these reports is not regarded as sound. For example, in the 2013 PBA Report, Paragraph 4.8 asserts that if the Residual Land Value (RLV) of a site is equal to its benchmark value, it is viable – albeit without CIL being charged. This is incorrect. Landowners will not make sites available for development if there is no incentive for them to do so. An RLV generated by a grant of planning permission that is equivalent to the value of the site as it is – the benchmark value – generates no additional profit – and will not come forward for development. Paragraph 4.8 also states that where RLV exceeds the benchmark value, then development is viable and CIL can be captured. That may, or may not, be the case. Viability is not the sole test of whether a site will come forward for development. The key test is deliverability. Benchmark land values must be exceeded by a sufficiently high RLV in order for a landowner to make his / her site available for development. The return must be competitive, as required by the National Planning Policy Framework (NPPF) and the supporting National Planning Policy Guidance (NPPG).	Please see response to RDCS14.

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				There is no guidance as to what constitutes a competitive return to a landowner. Research commissioned by DCLG suggests that for Greenfield sites, the uplift from existing use value should be in the order of £300K/£400K per net developable acre (£740K/990K per hectare). However, in Christchurch and East Dorset the impact of CIL in this scenario is largely irrelevant as most green field sites – in the form of urban extensions – are CIL exempt. The issue to be addressed is therefore whether the evidence that supports the proposed CIL Charging Schedule is soundly based insofar as it applies to the development of brownfield sites and those considered appropriate for re-development at higher densities – urban intensification. The PBA research hypothesises that benchmark land values are £1.5M and £1.65M per hectare (ha) (£600K/£667K per acre). The latter figure is taken for the purposes of this consultation response. It is however considered to be wholly inappropriate as it is lacking evidence to support it – or what it is even meant to represent. For example, Section 5 of the 2013 PBA Report sets out commentary on a range of values associated with different types of use, but without being clear as to whether the values are for development land, or the completed investment value. Examples are as follows (all values are per ha): • Residential – land transactions at £1.5M/£1.65M.	

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				• Industrial – land transactions at £1.235M. • Retail - £2.6M based on rents and yields (does this imply that this is the investment value?). • Care Homes - £1.4M (is this a land value – the report accepts that the evidence is scarce?). • Hotels - £2M (is this a land value as well – the report accepts that the evidence is scarce?). (Our underlining and italic emphasis) Taking the residential use as an example, £1.65M per ha equates to £668K per acre. For schemes of urban intensification through demolition and re-development, it would not be possible to acquire land as cheaply as this, when it would already accommodate existing dwellings; in the case of a one acre site, probably between four and eight. The only scenario where the PBA benchmark figure works is with the development of garden land, without requiring any demolition. We consider that a residential benchmark value, where demolition is required, is nearer £5M per ha. Taking industrial use as another example, it is clear that the PBA Report is based on a land transaction where there is no demolition. This is an unlikely scenario, given the local plan policies that protect employment land. However, in the event that an existing industrial building could be	

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				purchased for residential re-development, it would need to be valued as a commercial investment, taking into account the rental stream. Prices, on a per ha or per acre basis will vary according to the age, condition and location of the building. On the assumption that a building is in a relatively poor condition, the likely purchase price for a factory of, say, 2,000 m2 floor space with parking on one acre of land would be in the order of £800K. This equated to £2M per ha. Given the need to incentivise an owner to sell a factory site and establish a profit, a benchmark value is considered to be in the order of £2.5M per ha. This is approximately half of our residential benchmark value – a ratio that is most commonly found in the South East Dorset property market area. On this basis it is considered that the evidence to support a higher CIL rate for sites of up to 10 dwellings (in the event that the Government affordable housing threshold is re-introduced) is unsound. The use of the current threshold land values, and their assessment against RLV, needs to be re-considered so as to establish a CIL charging rate that will not act as a disincentive to housing delivery - particularly from small sites. Furthermore, placing an additional financial 'hurdle' to delivering much needed housing development from small sites flies in the face of Government policy, which is seeking to increase supply this source. A reduction in the CIL liability will be	

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				consistent with the national policy, and is regarded as sound.	
Mr Tim Hoskinson, Associate Director Savills Ltd (ID: 931684)		RDCS 16	CIL-RDCS16	In Savills opinion, the proposed CIL rates appear to be an attempt by the Councils to effectively reserve their position in case there are future, hereto unknown, legislative changes. The revised residential CIL rates therefore revert back to the previously proposed flat residential rate of £70 psm for development on non-strategic sites, with a 'fall-back' rate of £150 psm that would only be applicable if there is a legislative change or national guidance on affordable housing requirements for small sites. We have a number of concerns with this proposed approach, notably whether it is lawful or within the spirit of the Regulations and applicable Statutory CIL Guidance, which are set out in greater detail below. Differential CIL Rates Under the CIL Regulations 2010 (as amended) and the supporting guidance outlined in the National Planning Policy Guidance (NPPG), Charging Authorities are able to introduce differential CIL rates: "The regulations allow charging authorities to apply differential rates in a flexible way, to help ensure the viability of development is not put at risk. Differences in rates need to be justified by reference to the economic viability of development.	Please see response to RDCS11.

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				Differential rates should not be used as a means to deliver policy objectives. • geographical zones within the charging authority's boundary • *types of development; and/or* • *scales of development* This clearly states that Charging Authorities are able to introduce differential CIL rates where they are based on one of the three basis above and they are supported by viability evidence. Based on this, we do not therefore believe that the Councils' proposed CIL rates applicable for " *Residential on sites of 10 units or less or less than 1000sqm floorspace (only applicable if there is a legislative change or change in national guidance where no affordable housing provision is required on sites of 10 units or less or less than 1000sqm floorspace).*" will meet the clear tests outlined in the CIL Regulations. Neither the Regulations or Guidance outlines an ability for a Charging Authority to set a CIL rate based on presumptions over future changes to law or policy. Current Policy Requirements In addition to the above, it should be noted that the NPPG requires Charging Authorities to take into account current policy requirements: "A charging authority should take development costs into account when setting its levy rate or	

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				rates, particularly those likely to be incurred on strategic sites or brownfield land. A realistic understanding of costs is essential to the proper assessment of viability in an area. Development costs include costs arising from existing regulatory requirements, and any policies on planning obligations in the relevant Plan, such as policies on affordable housing and identified site-specific requirements for strategic sites." This is in-line with the National Planning Policy Framework (NPPF), which refers to the ***"cumulative impacts"*** of standards and policies relating to the economic impact of these policies (such as affordable housing) and that these should not put the implementation of the plan at serious risk. Existing policy requirements should therefore be considered when assessing the impact of CIL on development viability. We therefore believe it is inappropriate to consider potential future changes to policy requirements (such as affordable housing) in setting CIL rates. Doing to would set a precedent of uncertainty, and introduce a potentially endless list of potential scenarios, which would undermine any form of objective analysis of a CIL Charging Schedule at Examination. Review Mechanism Under the CIL Regulations 2010 (as amended), a	

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				Charging Authority is able to undertake a review of the Charging Schedule in order to amend the implemented CIL rates . We would therefore suggest that the Councils have suitable flexibility under the CIL Regulations to revise their CIL Rates accordingly in the event that national policy requirements change. Conclusion For the reasons set out above, we strongly object to the proposed amendments to the residential CIL rates in the Councils' respective PDCS. In particular, the fact that the proposed changes: i) Do not meet the grounds for differential rates as set out in the NPPG; ii) Are not based on current policy requirements and attempt to fix the viability impact of unknown future changes to affordable housing policy; and iii) Unnecessary given the flexibility afforded Charging Authorities within the CIL Regulations to review their Charging Schedules. We therefore strongly urge the Councils to remove the proposed CIL rate linked to future changes in policy requirements, as we do not believe that they meet the tests outlined in the CIL Regulations or NPPG.	

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Mr Stuart Tizzard (ID: 891270)		RDCS 16	CIL-RDCS20	When assessing the level of CILS please take a common sense look at the ramifications of setting these too high. As with any form of taxation , if the level is set too high it results in lower activity and lower tax receipts. In the case of CILS the current levels in most areas are simply punative and result in rendering many potential development opportunities unviable. To start with we must agree that redevelopment of existing sites and within the residential zones is a good thing, providing more housing, local employment and council tax receipts and CILS. Why is it that local government does not seem to understand that , by rendering the potential development opportunities unviable through over taxation, then the local area and authority lose out as these development opportunities just do not happen. Keep CILS realistic, enable local development ,and enjoy the fruits of such development, including more financial contributions through higher activity and improved housing supply.	Please see response to RDCS13.
Mr B Pliskin, Clemdell Limited/Etchtree Limited (ID:	Mr Jonathan Kamm, Town Planning Consultant (ID:	RDCS 17	CIL-RDCS7	At a minimum there must be a policy obligation for a review when the national regulatory requirements change not simply a subjective consideration. RDCS17 is quite clear in setting out the indicators	It is considered changes to regulatory requirements, be it though national policy or legislation is already a sufficient

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779551)	359272)			for a review and this does not include the government introducing 'an alternative threshold or other requirement in relation to affordable housing provision', or any trigger whereby small sites carrying a burden of regulatory requirements plus the higher rate of CIL are not coming forward. Further there is no indicator for a review where the national regulatory regime changes - for example through the current NPPF and CIL reviews - which changes the interaction of small site delivery and regulatory requirements such as CIL	trigger for a review of a CIL Charging Schedule, as it is likely either to make it no longer compliant or introduce requirements that were not considered by the viability evidence and therefore impact on the amounts charged. For example, this could include an affordable housing threshold for small sites different to that previously tested by the evidence. Therefore it is not considered it needs to be repeated at the local level or the addition of any other form of policy obligation. Those indicators that are referred to in section 6 of the Charging Schedules do reflect local level issues.
South West HARP Consortium, South West	Mr Sean Lewis, Assistant Planner Tetlow King Planning (ID:	RDCS 17	CIL-RDCS8	Following our comments from November 2015 (ref M5/0103-16 and M4/0514-18) we support the ammendments to the first criterion of Section 6.2 which now sets a CIL review requirement if housing delivery falls by 20% of expected figures	The amendment referred to was originally made at the Preliminary Draft Charging stage and it represented a factual clarification

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HARP Planning Consortium (ID: 507536)	903658)			at the end of any 3 year rolling programme or rises more than the 20% above. We also support the intention of the amendments made at the third criterion following our comments in November 2015. However for the purposes of clarity we ask what the Council means within its definition of significant impact within the context of changing property prices. This may be most suitable through an appropriately calculated percentage increase and decrease in prices and costs.	to the original document. At that time it was considered that by adding a percentage figure to the average property prices may not reflect all eventualities for house prices in the housing market area and therefore be too rigid. So by linking it in more general terms to viability as the amendment did, would provide sufficient flexibility. It is considered this still provides a valid trigger for reviewing the Charging Schedules to ensure the rates remain valid over time.