

Maldon District Draft Charging Schedule Consultation Summary of consultation responses

Reference no.	DCS01
Summary of representation	No comments
Officer comments	-

Reference no.	DCS02
Summary of representation	<p>The respondent thinks that the wording of the ‘exemptions section’ of the Draft Charging Schedule (DCS) is ‘woolly’; they state there should therefore be some flexibility in how charges are applied. It seems that the creation of a little extra floorspace would create a requirement for CIL.</p> <p>The respondent questions why supermarkets have a rate of £0 per sqm? They believe a higher rate should be allocated to supermarkets. The rates seem to be encouraging out of town supermarkets.</p> <p>The respondent expresses concern about the ability of hotel development to come forward in the District where a charge of £150 per sqm is imposed.</p> <p>Concern is expressed regarding the rate of £0 per sqm allocated to site S2(d) and S2(e). If appropriate infrastructure payments cannot be provided, then the purchase price of land is likely to be too high. Reduce the price of land to ensure the provision of appropriate infrastructure.</p>
Officer comments	<p>The CIL exemptions are based on national policy set out in the CIL Regulations.</p> <p>New development, including extensions, will be liable to pay CIL where the gross internal area of new build exceeds 100sqm and there is a net increase in internal floor space.</p> <p>Section 4 of the Local Plan and CIL Viability Study May 2014 Update (EB040d) identified that the proposed CIL rate of £150 per sqm could financially threaten the viability of supermarkets being developed on brownfield sites in the Maldon / Heybridge area, and it was therefore considered appropriate to set differential rates for supermarket development on brownfield and greenfield sites.</p> <p>The Local Plan and CIL Viability Study (August 2013, (EB040a) concluded that hotel development at a rate of £150 per sqm would be viable, and would not threaten the ability of development to come forward. No issues were identified on rates for hotel development in the Preliminary Draft Charging Schedule (PDCS) consultation. No evidence has been provided within this representation to outline why hotel development could be rendered unviable at rate of £150 per sqm.</p> <p>The LDP and CIL Viability Study Post Consultation Update (November 2013, (EB040c) identified that LDP sites S2d and S2e are required to provide over £30,000 per unit in infrastructure costs. The imposition of full affordable housing requirements and CIL would render these sites unviable. The Planning Policy Guidance (PPG) states that ‘<i>Plan makers should consider the range of costs on development. This can include costs imposed through national and local standards,</i></p>

	<p><i>local policies and the Community Infrastructure Levy, as well as a realistic understanding of the likely cost of Section 106 planning obligations and Section 278 agreements for highways works. Their cumulative cost should not cause development types or strategic sites to be unviable. Emerging policy requirements may need to be adjusted to ensure that the plan is able to deliver sustainable development.'</i></p> <p>Also the NPPF notes that viability should consider 'competitive returns to a willing landowner and willing developer to enable the development to be deliverable'. The CIL rates therefore seek to ensure that strategic sites in the LDP are viable while allowing competitive returns to developers and land owners.</p>
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Reference no.	DCS03
Summary of representation	<p>The respondent expressed concern that all residential development is liable for CIL, and there is no separate charge for rural dwellings that are required to accommodate those employed in agriculture, horticulture and forestry. It was stated that such properties are not sold for development gain and so the charge would simply be an additional cost of construction and is likely to render many such projects unviable. As these properties are crucial to the operation of rural businesses and sustainable rural communities, they should be considered separately, based on a suitable viability assessment.</p> <p>Concern expressed that no building size is provided in the definition of supermarket, which could have an adverse impact on rural retail outlets such as village stores or farm shops.</p> <p>The 'All Other Development' category must clearly include buildings erected for agriculture, horticulture and forestry purposes. By not being expressly stated, there is a risk that its inclusion or otherwise will be left open to interpretation. The respondent proposes that 'agricultural, horticultural and forestry development' is added as a separate category at a zero charge to avoid any confusion over the matter. This is the approach already taken by other local authorities, including Newark and Sherwood District Council and therefore would be more consistent.</p>
Officer comments	<p>The possibility of providing a lower CIL rate or relief for agricultural dwellings was considered in detail by the Council in the previous consultation (refer to PDCS013). The Council concluded that there is not a sufficient demand for agricultural dwellings in Maldon District to warrant further viability testing and consideration of a separate charge, and that a dwelling built specifically for use by the farmer which would not be sold on the market would be exempt from CIL as self-build development.</p> <p>The DCS is clear that a CIL rate above £0 per sqm only applies to residential, supermarket and retail, hotels, and private retirement homes / nursing homes. It is therefore considered to be sufficiently clear within the DCS that agricultural, horticultural, and forestry development is included within the all other development section. To reduce complexity it is appropriate that the DCS should include as few development types as possible.</p> <p>The definition of supermarkets, as recommended by the Council's viability consultant and set out in the DCS, states that supermarkets are 'shopping destinations in their own right where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit'. This definition would not relate to village stores and farm shops, therefore this form of development</p>

	would be included as all other development and liable to a £0 per sqm rate of CIL.
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Reference no.	DCS04
Summary of representation	No comments.
Officer comments	-

Reference no.	DCS05
Summary of representation	The respondent is pleased that there has been a reduction in CIL rates for private retirement homes / nursing homes. However, the respondent is still concerned that rates for private retirement homes / nursing homes / extra care development are £0 per sqm only in the built up area of Maldon and Heybridge. £0 per sqm should be applied for these development types in all areas of the District. Low house prices, particularly in the Bradwell-on- Sea area, make it crucial CIL rates are £0 per sqm. Extra care housing needs to be kept affordable.
Officer comments	<p>Extra care housing was assessed within the section 3 of the 2014 Viability Study Update (EB040d). The Study concluded that extra care housing development would be rendered unviable with the imposition of a CIL charge, therefore the DCS was amended accordingly to include extra care housing within ‘all other development’ as a £0 per sqm charge.</p> <p>Section 3 of the 2014 Viability Study (EB040d) reassessed CIL rates for private retirement homes / nursing homes following comments made in the PDCS consultation, and concluded that it would be appropriate to reduce these rates within both the built up area of Maldon and Heybridge and in all other areas within the DCS. The representation has not provided any evidence to suggest that this should be assessed further.</p>

Reference no.	DCS06
Summary of representation	<p>The respondent is opposed to the zero rate for supermarkets in the built up areas of Maldon and Heybridge because they are concerned that:</p> <ul style="list-style-type: none"> • It gives an unfair advantage to retail rather than industrial or manufacturing employment, and therefore minimises the opportunities for skilled work and training; • There is more than adequate existing provision for supermarkets, not only for the existing population but also for any increase in the foreseeable future. It is understood that replacement of existing provision if suppliers changed hands would not incur the levy, thereby easily maintaining the existing more than adequate capacity; • The heritage of the smaller scale Maldon High Street needs special protection. Retailing in this location would be undermined by further unfair competition from the larger retailers; • Great rigour should be applied to retail capacity studies for any future related individual planning applications, with additional weighting given against development if this potentially conflicts with High Street provision; and • The rating for this should be the same as the other areas. Since these other areas may also include brownfield sites, the respondent considers the comment given by the supermarket chain in the previous consultation, which seems to have been given undue weight, is entirely spurious. In the earlier consultation the respondent recommended the rate be increased for

	<p>supermarkets. If the same levy as other areas puts them off from here that would be a good result.</p> <p>The respondent states that the District's economy would be enhanced by the development of more hotels. The respondent is therefore opposed to the £150 per sqm rate for hotels, which could discourage hotel development and reduce the ability of Maldon town to be able to cater for more tourism in the future.</p> <p>The respondent states that great care should be exercised in permitting 'let out clauses and deferrals' of CIL charges, as developers are expert in maximising such loopholes and thereby reducing the sums available for the much needed infrastructure.</p>
Officer comments	<p>Regulation 14 of the CIL Regulations states that the charging authority, in setting rates, 'must strike an appropriate balance between' the desirability of funding infrastructure from the levy and 'the potential effect (taken as a whole) of the imposition of CIL on the economic viability of development across its area'. CIL Guidance (CLG, April 2013) clarifies that 'differences in rates need to be justified by reference to the economic viability of development'. Charging authorities need to ensure that there is no selective advantage, where different rates must be informed by 'consistent evidence relating to economic viability that constitutes the basis for any such differences in treatment'. Therefore the DCS rates are based on the viability of development, rather than seeking to further objectives such as encouraging certain development types including hotels, discouraging types of development such as supermarkets, and considering the impact of supermarket development on Maldon High Street.</p> <p>The 2014 Viability Study (EB040d) reassessed the viability of supermarket development in the District, and concluded that the viability of supermarket development on brownfield land would be threatened by the imposition of a CIL charge higher than £0 per sqm. The DCS has therefore identified rates which are within the economic viability of supermarket development in the District.</p> <p>The process of allocating CIL rates, and in particular exemptions to rates, is set by the CIL Regulations. All exemptions from CIL are therefore directed through national policy, and cannot be adjusted within the DCS.</p>

Reference no.	DCS07
Summary of representation	No comments
Officer comments	-

Reference no.	DCS08
Summary of representation	<p>The respondent objects to the approach taken in the DCS on the following grounds:</p> <ol style="list-style-type: none"> 1. Impact on LDP policies seeking to enhance economic performance <p>Proposed CIL rates would discourage larger retail developments, and would not therefore assist in creating additional employment and shopping opportunities. Asda has a proven track record of creating jobs and investing in communities, and Asda stores regularly rejuvenate and regenerate existing centres by drawing new shoppers</p>

in, benefiting existing retailers.

2. Financial assumptions in the Viability Study

The Viability Study (EB040d) appears to contain retail development assumptions that in the respondents view are inadequate as they do not make sufficient allowance for the costs involved in obtaining planning permission for a development scheme.

By excluding the true cost of residual planning for a commercial development, the Council has underestimated the true cost of retail developments and artificially inflated the residual land values used for the financial viability models. This will, in turn, have inflated the amount of CIL proposed for these uses.

Taking the example of a 4,000 sqm convenience supermarket used in the Viability Report, this sized store, would be expected to bear a CIL payment of £600,000 and, in addition, potentially fund all of the following potential costs:

- Demolition, remediation and on site highways works;
- The cost of any off-site highways works required to make the development acceptable in planning terms including junction improvements, road widening schemes, new access roads, diversion orders and other highways works;
- The cost of extending the Council's CCTV or public transport network to include the scheme (including the costs of creating new bus stops, real time information and providing new bus services to serve the site);
- Monitoring costs of compliance with employment/apprenticeship schemes and travel plans;
- Environmental off-set contributions to mitigate the loss of habitat or greenery caused by the scheme;
- The cost of any remediation and decontamination works to be carried out by the council on the developer's behalf;
- Payments for town centre improvements intended to mitigate the direct impact of the development on the town centre or neighbouring areas caused by the particular store; and
- The costs incurred by the Council of maintaining any site specific infrastructure required by the development.

The Viability Appraisal does not appear to contain any allowance for these costs, despite expressly acknowledging that residual Section 106 contributions will be required for these types of development.

To put this in context:

- The Section 106 Contributions incurred in relation to a c.3,000 sqm food store in Ware, Hertfordshire amounted to £871,800. These sums related to bus service contributions; development of a community centre, nursery; education contributions; various highway safety improvements; youth service contribution; residents parking schemes and open space contribution. In addition to these contributions, green travel plan contributions, monitoring fees and architectural lighting on pedestrian routes between the store and city centre were also incurred; and The Section 106 contributions incurred in relation to a c.6,700 sqm food store in Newhaven, East Sussex amounted to £1,345,544. These sums related to contributions for improvements to and an extension of the local bus network; economic initiatives; contributions for relocating local habitats; improvement of

	<p>recreational space; recycling contributions; residential and retail travel plan auditing; transportation and town centre contributions.</p> <p>With this in mind, the respondent again suggests that the Council has significantly underestimated the impact of CIL on the viability of such developments and request that the underlying viability evidence be revised accordingly.</p> <p>3. State Aid</p> <p>We wish to bring it to your attention that there will be EU State Aid issues arising out of the setting of differential rates for different types of commercial entity within the same use class. Introducing such differential rates confers a selective economic advantage on certain retailers depending on the size of the shop they operate out of, or their type of business. For example, setting the levy for comparison retail schemes at a lower rate than an equivalent convenience retail scheme provides an economic advantage to comparison retailers. Alternatively, basing rate differentials on the size of a store favours smaller retailers over their larger competitors.</p> <p>We would be grateful if the Council adopted a flat levy rate for comparable sectors of the economy/use classes or, if it is not prepared to do so, providing an explanation as to why State Aid issues are not engaged by the setting of differential rates within use classes to the Inspector at the Inquiry.</p> <p>4. Change of use and conversion projects</p> <p>The Viability Study (EB040d) does not acknowledge that the economics of conversion schemes are very different to those of new build schemes. It is therefore difficult to see how the Council can assess whether the imposition of CIL will put the majority of these schemes at risk without having considered its impact on their viability.</p> <p>Suggestions:</p> <ul style="list-style-type: none"> • The Instalments Policy should relate to all development, not just residential; • The DCS should include an exceptional relief policy; • The Council should produce a flat rate for CIL, based on the cost of essential infrastructure needs spread throughout all development in the District. This will have the least possible adverse impact on the market for land and development; and • The Council should adopt a payments in kind policy.
Officer comments	<p>Regulation 14 of the CIL Regulations states that the charging authority, in setting rates, ‘must strike an appropriate balance between’ the desirability of funding infrastructure from the levy and ‘the potential effect (taken as a whole) of the imposition of CIL on the economic viability of development across its area’. CIL Guidance (CLG, April 2013) clarifies that ‘differences in rates need to be justified by reference to the economic viability of development’. Charging authorities need to ensure that there is no selective advantage, where different rates must be informed by ‘consistent evidence relating to economic viability that constitutes the basis for any such differences in treatment’. Therefore the DCS rates are based on the viability of supermarket development, rather than being based on objectives to promote economic development.</p> <p>The test for CIL is whether the development plan as a whole is threatened. The PPG</p>

says at ID: 25-008-20140612 '*Charging authorities should set a rate which does not threaten the ability to develop viably the sites and scale of development identified in the relevant Plan*'. It also says at ID: 25-009-20140612 '*As set out in the National Planning Policy Framework in England (paragraphs 173 – 177), the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened*'.

The LDP evidence base has not identified a need for a new large supermarket in the District, and there are no aspirations in the LDP to seek retail led regeneration in the District based on supermarket development. It is therefore appropriate that the viability of this development type is assessed in a proportionate manner.

In relation to state aid rules, the proposed CIL rates are set at differential rates based solely on the viability assessment. The rates identified in the DCS are supported by evidence within the Viability Study (EB040d). The approach of proposing differential rates is consistent with the approach taken in other areas. There is also no expectation or requirement with the CIL Regulations that planning use classes must or should be used within a CIL Charging Schedule.

Conversions are not new build. CIL rates only apply to net new development so CIL is unlikely to apply to conversions.

Paragraph 4.12 of the 2014 Viability Study (EB040d) acknowledges that the assessments are based on supermarket development coming forward on greenfield sites. Where supermarket development were to come forward on brownfield sites within the Maldon and Heybridge area, the Viability Study notes that additional costs may be incurred which would require a lower CIL rate to be set. The 2014 Viability Study (EB040d) has therefore sufficiently considered change of use and conversion projects for supermarket development which would be most likely to affect the District.

The Instalments Policy relates to both residential and non-residential development. Residential is calculated by the number of dwellings and non-residential is calculated per 1000m² of development.

The Council is not proposing to include an exceptional circumstances relief policy at this time; however this may be considered further in due course following the adoption of CIL.

The rate of CIL which has been proposed by the Council is based on the financial viability of new development, ensuring that proposed rates and cumulative costs of further developer contributions do not cause development types or strategic sites to be unviable, as outlined in the PPG. A flat rate levy approach would not be able to ensure the viability of all development, or would require a very low rate to be set which would not achieve the provision of infrastructure required in the District.

Onsite infrastructure costs are included within the assessments undertaken as part of the Viability Study, although it is noteworthy that no brownfield sites in need of decontamination and remediation are considered likely to be promoted for supermarket development in the District.

In relation to the inclusion of an Exceptional Relief Policy, the Council has sought to

	set CIL rates at a level which would allow all development to be viable. The Council may consider further the inclusion of this policy, as well as a Payments in Kind Policy, in advance of the adoption of CIL.
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Reference no.	DCS09
Summary of representation	<p>With regard to the identification of infrastructure the respondent welcomes in principle that the Infrastructure Delivery Plan (IDP, EB059d) recognises the requirement for mitigation measures within Chelmsford City Council's area to improve traffic flow and reduce congestion on the A414 at Danbury arising from the level of development proposed within and surrounding the Maldon / Heybridge area.</p> <p>The IDP states that works at Eves Corner would cost £120,000, however the respondent is not clear how this amount has been derived or whether there are any further mitigation measures required on the A414 in Danbury. Given the IDP's specific reference to the requirement for traffic mitigation measures at the A414 in Danbury, Chelmsford City Council strongly contend that this should be included as a Section 106 requirement of at least the Strategic Sites S2(a) and S2(d) in the emerging Maldon Local Development Plan, rather than be left for potential CIL funding. As the IDP identifies the A414 highway mitigation measures in Danbury as a requirement for the levels of development growth in Maldon / Heybridge there needs to be certainty over the delivery of these highway mitigation measures. The only way that this can be secured with certainty is through Section 106 contributions.</p>
Officer comments	<p>The cost of works at Eves Corner has been identified by Essex County Council (ECC), as outlined in the Infrastructure Delivery Plan December 2013 Update (IDP). The IDP (EB059d) outlines all works required on the A414 to mitigate the impact of growth in Maldon District allocated in the LDP. No further works are identified in Danbury.</p> <p>It is considered unlikely that works at Eves Corner in Danbury would comply with the Section 106 tests in Regulation 122 of the CIL Regulations, to be appropriate for contributions to be provided by specific developments in Maldon or Heybridge.</p> <p>Comments on the inclusion of Eves Corner works within the Regulation 123 list are noted, however the Regulation 123 list is provided for information purposes only, and will not be assessed during a CIL Charging Schedule examination. The Council will continue to review the content of the Regulation 123 list following the examination of both the CIL DCS and the LDP.</p>

Reference no.	DCS10
Summary of representation	<p>The respondent believes that it appears illogical that supermarkets, retail warehouses, and retirement / nursing homes are exempt in Maldon & Heybridge built up areas but not within Burnham-on-Crouch.</p> <p>The respondent questions why there is no rate for general non retail storage warehouses.</p> <p>The respondent does not believe that there should be an exception for sites S2(d & e), as it creates an anomaly. The respondent thinks it would be better to charge the levy and then give back or pay separately for whatever makes the development "unaffordable".</p>

	Private residents need more clarity on what pays and what does not.
Officer comments	<p>A lower CIL rate is provided within Maldon and Heybridge in order to take into account viability evidence and differing land costs across the District.</p> <p>Not all development types have been listed in the DCS. Non retail storage warehouses would be included within the 'all other development' section, liable to pay a £0 per sqm CIL rate.</p> <p>The LDP and CIL Viability Study Post Consultation Update (November 2013, EB040c) identified that LDP sites S2d and S2e are required to provide over £30,000 per unit in infrastructure costs. The imposition of full affordable housing requirements and CIL would render these sites unviable. The Planning Policy Guidance (PPG) states that '<i>Plan makers should consider the range of costs on development. This can include costs imposed through national and local standards, local policies and the Community Infrastructure Levy, as well as a realistic understanding of the likely cost of Section 106 planning obligations and Section 278 agreements for highways works. Their cumulative cost should not cause development types or strategic sites to be unviable. Emerging policy requirements may need to be adjusted to ensure that the plan is able to deliver sustainable development.</i>'</p> <p>The DCS outlines what types of development would be required to pay CIL, and explanatory information was provided within the DCS consultation document and leaflet. Further explanatory material will be produced in advance of the adoption of CIL to assist the public in understanding when CIL is required, and how it should be paid.</p>

Reference no.	DCS11
Summary of representation	Mayland Parish Council is happy with the CIL DCS as it stands.
Officer comments	Comments noted.

Reference no.	DCS12
Summary of representation	No comment
Officer comments	-

Reference no.	DCS13
Summary of representation	Woodham Mortimer with Hazeleigh Parish Council support the proposed Community Infrastructure Levy Draft Charging Schedule.
Officer comments	Comments noted.

Reference no.	DCS14
Summary of representation	The respondent does not consider that there is a robust or sufficient evidence base to justify the proposed CIL charging rate for supermarkets. In the respondents view, the draft CIL charge will put undue additional risk on the delivery of any such proposals and will be an 'unrealistic' financial burden on new large-scale retail development. This, in turn is suggested to pose a significant threat to potential new investment and

	<p>job creation in the local area at a time of economic recession and low levels of development activity. The respondent is concerned that a balance has not been found between infrastructure funding requirements and viability, and subsequently the suggested charge will have a significant adverse impact on the overall viability of future retail development in the district.</p> <p>The respondent also believes there is also insufficient justification for the difference between supermarket and warehouses and other forms of retail development. The evidence does also not appear to consider the changes between different locations across the District.</p>
Officer comments	<p>The August 2013 Viability Study (EB040a), and following updates (EB040c and d), have assessed in detail the viability of supermarket development across the District. The consultation representation has not provided any evidence to identify where the assessments in the Viability Study are incorrect and require further work.</p> <p>The Viability Studies have considered a range of development types which would be likely to occur in Maldon District, and considered values across the whole District.</p>

Reference no.	DCS15
Summary of representation	<p>The DCS should provide further information on the option of providing CIL payments ‘in kind’, and explain how this will be applied in practice.</p> <p>The respondent supports the inclusion of sports facility provision in the IDP (EB059d); and states that the Council should seek to prioritise deliverable sports facility projects within the IDP and the Regulation 123 list based on the gaps in provision in the District identified in table 6 of the IDP May 2014 Update (EB059d).</p> <p>Regardless of CIL the respondent states that the Council should be seeking to prioritise projects in order to make the best of use of other sources of funding and to address the priorities identified in the Green Infrastructure Strategy. The next review of the Regulation 123 list that supports CIL should therefore prioritise the sports facility projects in the list.</p>
Officer comments	<p>It is acknowledged that it would be helpful for supporting information to be provided alongside the CIL Charging Schedule to explain the option of paying CIL rates through the provision of infrastructure ‘in kind’. This information can be incorporated within explanatory information produced to support the adoption of CIL.</p> <p>Comments on the Regulation 123 list are noted, however the Regulation 123 list is provided for information purposes only, and will not be assessed during a CIL Charging Schedule examination. The Council will review further the content of the Regulation 123 list following the examination of both the CIL DCS and the LDP. The mechanisms for prioritising projects within the Regulation 123 list have not yet been finalised.</p>

Reference no.	DCS16
Summary of representation	<p>Tolleshunt Major Parish Council is concerned that industrial development is not subject to the proposed CIL charges. In Tolleshunt Major any significant development in Beckingham Business Park would have a considerable impact on the</p>

	<p>Parish and its residents and there would be no funds to mitigate this.</p> <p>The Parish Council would also like to have clarification on how MDC will work with parishes to make sure that the latter benefits from CIL funds.</p>
Officer comments	<p>The proposed CIL rates are based on the ability of all types of new development to be economically viable following the imposition of LDP policy requirements and CIL rates. The Viability Study (EB040d) concluded that the introduction of CIL rates higher than £0 per sqm would result in some industrial development being considered as unviable.</p> <p>It is acknowledged that industrial development could potentially have an impact on the area, and where appropriate and viable, Section 106 contributions could potentially be agreed to mitigate against any adverse impacts.</p> <p>Parish and town councils will receive 15% of CIL funds relating to development within their administrative boundary, and 25% where a neighbourhood plan is in place. In both cases any CIL funds provided to parish and town councils will be capped at £100 per existing council tax dwelling. The Council will be producing a CIL Implementation Plan to consider further how CIL funds will be managed throughout the District between MDC, town and parish councils, and other authorities and infrastructure providers. This will be considered further to support the adoption of CIL, but is not a matter for the examination of the CIL Charging Schedule.</p>

Reference no.	DCS17
Summary of representation	The respondent continues to support the setting of a nil rate for 'All other development'. The provision of community facilities within the D1, D2 and some sui generis uses usually depends on public investment or subsidy in one form or another in order to be delivered, even when privately operated. They are therefore inherently unviable in developer terms, even without the imposition of CIL.
Officer comments	Comments noted.

Reference no.	DCS18
Summary of representation	Tiptree Parish Council request that Maldon District Council give due consideration to any new developments which will impact on sustainability, transport or infrastructure for Tiptree, in particular transport links, traffic flows and developments which are close to the Tiptree Parish borders. As part of this consideration, CIL monies should be put aside to alleviate any impact resulting from these developments.
Officer comments	The Council will be producing a CIL Implementation Plan to consider further how CIL funds will be managed throughout the District between MDC, town and parish councils, and other authorities and infrastructure providers. This will be considered further to support the adoption of CIL.

Reference no.	DCS19
Summary of representation	The proposed draft Charging Schedule does not significantly affect any priority areas for Natural England, therefore the respondent does not wish to offer any substantive comments.

	The respondent is pleased to see and would be supportive of Open Space provision, as per paragraph 1.3.
Officer comments	Comments noted.

Reference no.	DCS20
Summary of representation	Stow Maries Parish Council supports the DCS in general.
Officer comments	Comments noted.

Reference no.	DCS21
Summary of representation	<p>Heybridge Parish Council would like to see the proposed CIL rates of £70 per sqm and £150 per sqm be applied to all development across the District, and the £0 per sqm removed from the Charging Schedule.</p> <p>Heybridge Parish Council would like to see site specific infrastructure funded through CIL and s106 agreements as appropriate.</p> <p>Heybridge Parish Council agree to the Draft Charging Schedule as long as the zero-rated elements are removed.</p> <p>Heybridge Parish Council supports the Discretionary Charitable Relief Policy and the Draft Instalments Policy.</p>
Officer comments	<p>Regulation 14 of the CIL Regulations states that the charging authority, in setting rates, ‘must strike an appropriate balance between’ the desirability of funding infrastructure from the levy and ‘the potential effect (taken as a whole) of the imposition of CIL on the economic viability of development across its area’.</p> <p>The rate of CIL which has been proposed by the Council is based on the financial viability of new development, ensuring that proposed rates and cumulative costs of further developer contributions do not cause development types or strategic sites to be unviable, as outlined in the PPG. A flat rate levy approach would not be able to ensure the viability of all development, or would require a very low rate to be set which would not achieve the provision of infrastructure required in the District.</p> <p>The viability assessment work shows that Sites S2(d) and S2(e) can viably address the site-specific S106 costs and policy requirements set out in the LDP, but are not viable to pay a CIL charge above a rate of £0 per sqm.</p>

Reference no.	DCS22
Summary of representation	<p>ECC made no comments on the rates proposed in the Draft Charging Schedule or the Discretionary Relief Policy.</p> <p>The instalments policy has too many instalments within it, giving rise to the possibility of higher administrative costs falling on the District, which is a concern given the overall cap on CIL administrative costs. ECC would suggest that the District look again at the proposed instalments policy with a view to reducing the number of instalments to reduce its potential administrative costs.</p>

	<p>ECC is concerned that its proposals on the governance of CIL, made in response to Maldon's PDCS, do not appear to have been considered seriously by the District at this stage and would ask the District to take another look at them. This related to a proposed two tier structure for priorities for CIL to be determined by the District in consultation with the various infrastructure providers, including (and not exclusively) ECC, the NHS, the Environment Agency (for flood defence), Police etc. The two tiers would be a Member body and an officer body beneath it. ECC believes such a proposal, which is open to detailed negotiation, would help generate the partnership between the District and the infrastructure providers which will be needed to deliver the infrastructure required to meet the scale of development envisaged in Maldon's Draft Local Plan. The proposal would not detract from the role of the District as the Charging Authority of having the final responsibility for spending CIL.</p>
Officer comments	<p>The Council welcomes ECC's comments on the Instalments Policy. However, the benefits provided by the Instalments Policy in relation to supporting the viability of development are considered to outweigh any negative implications in relation to the administration of CIL. It should also be noted that the Instalments Policy is not part of the Charging Schedule and will not be formally considered at the Examination. As noted in the Regulations (Reg. 69B), the Instalments Policy is a separate policy which the charging authority can alter without reviewing the Charging Schedule. There is therefore an opportunity to review the policy should it be found to be difficult to manage.</p> <p>Comments on the governance arrangements for the implementation of CIL are welcomed, and are being considered as part of the production of a CIL implementation strategy being produced by MDC.</p>

Reference no.	DCS23
Summary of representation	<p>The respondent believes that the rates proposed in the Draft Charging Schedule are reasonable and suitably informed by the updated Viability Study (EB040d). However, the respondent is concerned that the estimated costs used to calculate the CIL Draft Charging Schedule rates may have been underestimated, and as such will need to be monitored regularly and reviewed in order to determine the key priorities for infrastructure provision.</p> <p>For example, land acquisition costs, public sector commissioning and administration fees, other on-costs, and inflation are not included in the Council's cost estimates. Therefore, estimated costs should be regularly monitored and reviewed in order to determine the key priorities for infrastructure provision. There are doubts about the accuracy of the estimated costs and, if as expected they have been underestimated, then this could render the schemes unviable and therefore incapable of delivery.</p> <p>The respondent suggests that site S2(h) Heybridge Swifts strategic allocation should be zero rated for the following reasons:</p> <ul style="list-style-type: none"> • The redevelopment of the existing football club ground is 'enabling' development to facilitate the relocation of the club to a new site to meet FA requirements. That is, it is self-financing and viability is critical to enable relocation; • Redevelopment of the existing ground is on previously developed land and represents a 'windfall'. It is a relatively small site and is not part of the proposed large scale comprehensive development of the Heybridge Garden

	<p>Suburb allocation. The latter requires the provision of key major infrastructure to be secured before the suburb can be delivered;</p> <ul style="list-style-type: none"> • In contrast to the proposed Heybridge Garden Suburb, the Swifts’ site has only a few, relatively minor site specific constraints and infrastructure improvements that are necessary to mitigate its impact generated by approximately 100 dwellings. Such requirements, which are site specific in nature, should be dealt with by appropriate conditions and S106 obligations and not CIL; • Any requirements over and above those generated directly by the Swifts development that relate to the wider area and major proposals would result in the relocation of the Heybridge Swifts FC being unviable and undeliverable; and • The new enhanced facilities planned for the new football club site will provide substantial community benefits to the wider area which can only be delivered via the enabling re-development of the existing ground for housing. This has not been taken into account by the Council in its Infrastructure Delivery Plan and Viability Study. <p>The respondent supports the proposed Draft Discretionary Charitable Relief Policy.</p> <p>The respondent urges that Council to introduce a discretionary relief policy for exceptional circumstances where the eligibility criteria set out in paragraph 2.5.2 of the consultation document is fulfilled.</p> <p>The respondent supports the proposed Draft Instalments Policy.</p>
Officer comments	<p>The costs outlined within the IDP (EB059d) and assessed within the LDP Viability Study (EB040d) represent the best available information. The Viability Study has used an appropriate range of costs and assumptions to assess the viability of the strategic sites allocated in the LDP.</p> <p>No viability based evidence is provided in the representation to outline why LDP strategic site S2(h) should be allocated a CIL rate of £0 per sqm.</p> <p>Comments regarding the discretionary relief policy for exceptional circumstances are noted. However this is a separate policy which is not examined as part of the CIL Charging Schedule.</p>

Reference no.	DCS24
Summary of representation	<p>Linden Homes Eastern (LHE) considers that the rate of CIL proposed across the South Maldon Garden Suburb Masterplan Area is not reflective of the evidence base that has been produced in support of the Draft Charging Schedule and is therefore considered to be unsound. The setting of rates at £70 per sqm could render sites within the Garden Suburb unviable and undeliverable which would in turn impact upon the delivery of the South Maldon Garden Suburb within the Plan Period.</p> <p>All of the studies produced by HDH Planning and Development on behalf of Maldon District Council (MDC) have made the assumption that site S2c is agricultural; and have assigned an agricultural residual land valuation to the site to inform the viability calculations. This assumption is incorrect. The site actually comprises the following:</p> <ul style="list-style-type: none"> • Three Suns Nursery, comprising a bungalow and commercial nursery (now

	<p>vacant);</p> <ul style="list-style-type: none"> • The Leas, comprising a two-storey house and paddock; • The Rosary, comprising a two-storey house with commercial riding school. <p>The use and value of the property is not akin to agricultural land and the figures used by MDC to demonstrate the viability or otherwise of the various scenarios that have been tested are therefore unsound.</p> <p>The DCS at paragraph 2.13.4 states that meetings have been held with site promoters, main developers and landowners. LHE was not invited to meet and discuss the site at Wycke Hill South in the context of viability. Such a meeting would have ensured clarity on the existing use of the site. Notwithstanding this, MDC is fully aware of the nature of uses on the site as an agreed description is contained within the Statement of Common Ground submitted in respect of the forthcoming Section 78 Planning Appeal for the residential redevelopment of the site.</p> <p>The DCS has ignored the recommendation of the Viability Study (EB040d) which states that: “We therefore recommend that if 40% affordable housing is preferred, the Council reduces the rate of CIL on the S2a Limebrook Way, S2c Wycke Hill South and S2b Wycke Hill North site at South Maldon to zero.” The submitted Maldon Local Development Plan (including minor modifications) proposes 40% affordable housing for the South Maldon Garden Suburb – Policy H1. The evidence therefore points to MDC proposing a CIL rate the even their own consultants would consider at best questionable in this area. In LHE’s opinion, this is not a sound basis to ensure delivery of a critical element of housing supply over the Plan Period.</p>
Officer comments	<p>LDP site S2c has been assessed as being predominantly agricultural in the Viability Study (EB040d). The Viability Study provides a strategic high level assessment of the viability of development across the District, and is therefore not required to provide a detail site specific assessment of all allocated sites. The Council’s viability consultant will be requested to consider if the siting of two houses, a bungalow, and a vacant nursery would affect the assessment contained within the Viability Study, however this will not affect the determination of CIL rates within the CIL Charging Schedule.</p> <p>All developers associated with sites allocated in the LDP and infrastructure providers have been invited to two viability workshops undertaken as part of the production of the LDP Viability Studies. Linden Homes Eastern were invited to the workshops.</p> <p>The DCS has been produced based on the conclusions of the CIL Viability Study, with the support of the Council’s viability consultant. The rates proposed in the DCS are based on the conclusions of the Viability Study (EB040d) and recommended amendments to LDP Policy H1, which are likely to be considered further during the LDP Examination.</p>

Reference no.	DCS25
Summary of representation	<p><u>The proposed CIL rate</u></p> <p>The assessment in the representation has identified that Maldon has proposed a CIL rate on the margin of viability for large sites. In these instances, the proposed CIL rate (£70 per sqm) in addition to 40% affordable housing does not leave any</p>

‘headroom’ for residual Section 106 and 278 contributions in the low value areas. Sites with a lower affordable housing requirements (25% & 30%) will have a greater amount of ‘headroom’ for Section 106/278 contributions.

It is therefore important that MDC reviews the level of Section 106 and 278 contributions that will continue to be sought post-CIL to ensure that a suitable allowance is being tested. In the event that a residual allowance is not included, a trade-off between CIL and affordable housing may be needed if the delivery of these large greenfield sites is not to be threatened. This is particularly important for MDC given their reliance on strategic allocations.

Delivery of the LDP

74% of the housing supply will be delivered through the LDP Garden Suburbs.

We note that the DCS includes a £0 per sqm CIL rate for two of these allocations (S2(d) & S2(e)) on account of the additional Section 106 and abnormal costs associated with these sites. Given the number of units on these two sites (26% of the housing supply) this is a pragmatic approach by the Council, which Gladman fully supports.

We acknowledge that all of the strategic sites have been tested in the supporting Viability Study and welcome the inclusion of Section 106 and additional costs for each scenario. However, given the importance of these sites to the District, we would advise that a viability buffer is included, as discussed in the CIL Guidance: “It would be appropriate to ensure that a ‘buffer’ or margin is included, so that the levy rate is able to support development when economic circumstances adjust.”

This will avoid setting the CIL rates at the margin of viability, as failure to bring these sites forward will cause a serious risk to the delivery of the Development Plan. At present it is unclear precisely what ‘buffer’, if any, has been included by the Council. We would therefore ask for confirmation that a suitable allowance has been included.

LDP timescales

As the LDP Examination has been delayed, it is recommended that the Council considers delaying the submission of the DCS until after the LDP Examination. This will ensure that any changes made to the LDP can be reflected in viability testing to support the resulting CIL rates.

Regulation 123 list

Under the CIL Regulations, the Regulation 123 list should only include infrastructure necessary to deliver the objectives set out in the development plan. Infrastructure specific to a development therefore should not be included on this list. We would therefore ask that MDC review their draft Regulation 123 lists in light of the above to ensure that those items anticipated to continue to be sought through Section 106 obligations are not included on the Regulation 123 list.

S106 and CIL

We welcome that MDC is “making its draft Regulation 123 list available alongside this consultation within the Infrastructure Delivery Plan Update (IDP, May 2014. EB059d), together with policy for the continued use of planning obligations within Policy I1 of the submitted LDP. This will provide transparency over the way it is intended the two methods will work together to help provide the infrastructure our communities need”.

We note that the list of infrastructure which will be secured through site specific S106 includes 'upgrade of capacity of foul sewers'. These upgrades would be delivered by the respective Water Company, who having identified a need for upgrade would charge the developer directly. This item would not therefore be delivered via Section 106 and should be removed from this list.

We do not believe that the operation of CIL and Section 106 has been clearly defined. Gladman are subsequently concerned about the scale of Section 106 contributions that will continue to be sought alongside the proposed CIL rates on sites that are not strategic allocations. It is therefore of paramount importance that the Council produces a draft Planning Obligations SPD document to set out how CIL and Section 106 will work alongside one another on all sites. This will provide certainty to the development industry and ensure that no 'double-dipping' occurs. This should be prepared in conjunction with the draft Regulation 123 list to ensure that no items included on the list are items that the Council anticipates wanting to collect through Section 106.

Other issues

Based on concerns identified by the LDP Inspector in relation to the viability assessment of all required infrastructure and the impact of amendments to the LDP Policy H1, it is recommended that a full review of the IDP and the viability work is undertaken prior to the DCS being submitted.

It is requested that the Council publishes historic S106 data to support the CIL examination.

The Council should make the following information available as soon as possible:

- Guidance on how to calculate the relevant 'chargeable development'/level of CIL;
- Guidance on liability to pay CIL/Appeals process;
- Policy for payments by instalments;
- Approach to payments in kind;
- Guidance on relief from CIL and a policy on exceptional circumstances for relief from CIL.

It is recommended that the Viability Study does not include phased payments, to ensure that sites are fully viable if an instalments policy was not in place.

It is recommended that a cap should not be applied to charitable relief, and 100% should be provided to charities within the Discretionary Charitable Relief Policy.

The Council should include a policy on exceptional circumstances relief in advance of the adoption of CIL. This would enable the Council to support some development considered appropriate and potentially essential for the District, but which may be unviable in relation to the imposition of CIL.

The Council should publicly commit to reviewing the CIL Charging Schedule every 2-3 years from adoption, or sooner if there is a substantive change in market conditions or Central Government policy.

The CIL Charging Zone map is District wide, an inset map should be included to provide further clarity. A tolerance on the site boundary should be included. The

	map should be to scale.
Officer comments	<p>The conclusions of the assessment of the CIL rate against other LDP policy requirements in the representation is noted, and appear consistent with the conclusions set out in the LDP Viability Study (EB040d).</p> <p>In relation to the need for ‘headroom’ to be provided in the CIL rate / LDP policy requirements to ensure the viability of strategic sites, the Council has acknowledged that the rates of housing allocated in LDP Policy H1 will need to be considered as part of the LDP Examination, with a potential reduction to the requirements within the LDP strategic sites as recommended in the May 2013 Viability Study (EB040d). The Council does not agree that any buffer within the setting of a CIL rate should be a precise amount. CIL rates should be set well within the limits of viability, and this should be a quantitative and qualitative process. The Council has sought to achieve this, taking into account all available evidence.</p> <p>Sites with a lower affordable housing requirement will not have greater headroom. The sole justification for reducing the level of affordable housing (and recommending lower levels of CIL) on some sites is to ensure that there is an adequate headroom on all sites. The sites with lower affordable housing requirements or CIL rates will be subject to higher site specific infrastructure costs.</p> <p>The Council is confident that items anticipated to be sought through Section 106 obligations are not included in the Regulation 123 list.</p> <p>Comments regarding the delivery of upgrades to foul sewers are noted.</p> <p>The May 2014 IDP (EB059d) clearly sets out S106 contributions on strategic sites that will be required in addition to CIL. The Council is not proposing to produce a Planning Obligations SPD, however the request for an SPD is noted.</p> <p>The Council is confident that there will be no significant changes to the LDP that would impact the assessment of appropriate CIL rates for the District. It is therefore not considered necessary to review the IDP or viability based evidence base, or await the conclusion of the LDP Examination before submitting the DCS. The DCS examination is likely to take place after the LDP examination, and therefore take account of any amendments to the LDP following the examination.</p> <p>The Council has made historic S106 information available to the Council’s viability consultant as part of the production of the Viability Study.</p> <p>The Council intends to implement an Instalments Policy. It is therefore appropriate to include phasing within the Viability Study.</p> <p>Comments regarding the cap on charitable relief, exceptional circumstances relief, and the need to regularly review the CIL Charging Schedule are noted, and will be considered by the Council.</p> <p>The CIL charging zone map in the DCS is not District wide, and already provides an inset. The zones correspond to specific sites allocated in the LDP and the Maldon and Heybridge settlement boundary as specified in the LDP Proposals Map, therefore there is no need to provide more detailed maps.</p>

	The Council agrees that CIL should be reviewed regularly, and notes the proposal for a review every three years. This does not mean that CIL rates would necessarily change, and would not prevent CIL being reviewed sooner. The Viability Study (EB040d) has recommended CIL should be reviewed if house prices change by 10%.
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Reference no.	DCS26
Summary of representation	<p>The respondent supports the zero-rating applied to supermarkets and retail warehouses in the built up area of Maldon.</p> <p>The respondent disagrees with the £150 per sqm charge proposed for hotel developments, as there is concern that this charge would prejudice the development which planning and corporate policy actively supports.</p> <p>The respondent is concerned about the evidence base in relation to commercial development which is considered to be contrary to Regulation 27 of the CIL Regulations, requiring an appropriate sampling of sites. The Viability Study May 2014 Update (EB040d) does not address the hotel sector, notwithstanding our submissions and the acknowledgment in the original Viability Study (para 9.33) that that development within this sector is likely to be on the margins of viability.</p> <p>It is noted that Chelmsford CC and Colchester CC have both zero-rated hotels and the emerging Castle Point Charging Schedule has a low rate of £40 per sqm.</p>
Officer comments	<p>Regulation 14 of the CIL Regulations states that the charging authority, in setting rates, ‘must strike an appropriate balance between’ the desirability of funding infrastructure from the levy and ‘the potential effect (taken as a whole) of the imposition of CIL on the economic viability of development across its area’. CIL Guidance (CLG, April 2013) clarifies that ‘differences in rates need to be justified by reference to the economic viability of development’. Charging authorities need to ensure that there is no selective advantage, where different rates must be informed by ‘consistent evidence relating to economic viability that constitutes the basis for any such differences in treatment’. Therefore the DCS rates are based on the financial viability of development, rather than seeking to further potential corporate objectives to encourage certain types of development.</p> <p>The test for CIL is whether the development plan as a whole is threatened. The NPPG says at ID: 25-008-20140612 ‘<i>Charging authorities should set a rate which does not threaten the ability to develop viably the sites and scale of development identified in the relevant Plan</i>’. It also says at ID: 25-009-20140612 ‘<i>As set out in the National Planning Policy Framework in England (paragraphs 173 – 177), the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened</i>’.</p> <p>The CIL rate for hotels is based on viability evidence. The representation has not identified where they have concerns with assumptions used in the Viability Study.</p>

Reference no.	DCS27
Summary of	The respondent’s response to the Preliminary Draft Charging Schedule (PDCS017)

representation	<p>set out general issues regarding the Community Infrastructure Levy and the historic environment.</p> <p>In the respondents previous response, they were keen that the Council be aware of the implications of any CIL rate on the viability and effective conservation of the historic environment and heritage assets in development proposals. This is particularly important for heritage assets identified as being “at risk”. Consequently, in determining the rates of CIL that are being put forward in the Charging Schedule, it is essential that the rates being proposed in areas where there are groups of heritage assets at risk are not likely to discourage schemes being brought forward for their reuse or associated heritage-led regeneration. In such areas, or for schemes that involve or affect other heritage assets, there may be a case for either lowering the rates of CIL or considering an exemption from paying CIL.</p> <p>The respondent therefore notes Annex B and the proposed draft discretionary relief policy, as well as paragraph 2.5.2 which refers to discretionary relief in exceptional circumstances. We hope that the Council will provide a local policy on such matters after the examination of the charging schedule, and that such a policy will include reference to the historic environment. The policy could set out the criteria to define exceptional circumstances and provide a clear rationale for their use, including the justification in terms of the public benefit (for example, where CIL relief would enable the restoration of heritage assets identified on English Heritage’s Heritage at Risk Register). The policy could also reiterate the necessary requirements and procedures which would be followed in such cases, including the need for appropriate notification and consultation.</p>
Officer comments	<p>The CIL DCS does not propose a separate rate for listed buildings, CIL rates only vary for different uses. CIL is only applicable to net new development, which will not be historic by definition, unless the building has been abandoned. CIL can only be set by zone, type and scale. It is not practical to map different historic zones for each listed building.</p> <p>No evidence has been presented in the representation to outline why development associated with listed buildings would not be viable in relation to the proposed rates of CIL.</p>

Reference no.	DCS28
Summary of representation	<p>The delivery of infrastructure relies upon CIL, pooled contributions and development-specific Section 106 contributions, and the respondent believes there is a need for clarity in the policy and practical relationships between the LDP, as a whole, and those sites/developments that will assume some role in providing funding or actual works.</p> <p>The respondent believes that the appropriate mechanisms should be in place, optimising the means of infrastructure delivery, and in that respect, the respondent looks forward to further dialogue in respect of:</p> <p>(1) The particular issue of whether or not LDP site S2(f) should be CIL exempt or not (which has implications for the Charging Zone Map); and</p> <p>(2) In connection with our wider LDP representations, further clarification on the matters covered by the Regulation 123 list.</p>
Officer comments	LDP Policy I1 and the IDP (EB059d) outline how CIL, pooled and site specific Section 106 contributions will support the delivery of infrastructure associated with

	<p>growth proposed in the LDP. The LDP representation (0157-5337-S4-14 and 0157-5338-I1-23) which relates to this CIL representation requests further clarification on the proposed funding and management arrangements towards the delivery of sports pitches/changing facilities, the district park, allotments, bus service, enhanced public transport infrastructure, enhanced walking and cycling routes, off-site highway works, adult community learning, enhanced medical provision, community hubs, and enhanced sewerage infrastructure relating to the North Heybridge Garden Suburb. Where further information is available, the Council has sought to provide clarification on these concerns within the May 2014 IDP Update.</p> <p>As recommended in the Viability Study (EB040d), the DCS outlines that LDP strategic site S2(f) is not exempt from CIL, and is proposed to be liable to pay the £70 per sqm residential CIL rate. The DCS Charging Zone Map shows site S2(f) as being outside the areas allocated for a £0 per sqm CIL rate, and therefore being included within the ‘All other areas’ rate.</p>
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Reference no.	DCS29
Summary of representation	<p><u>Overlap between S106 and CIL costs</u></p> <p>The respondent states that an overlap remains in the 2014 IDP Update (EB059d) between CIL and Section 106 obligations that fall within the same categories of infrastructure despite advice on this matter in the NPPG, and a level of uncertainty remains regarding the actual level and timing of contributions sought by the Council.</p> <p>The respondent expresses concern that there may be an overlap between CIL and Section 106 payments for infrastructure. In particular this is noted in respect of sports, allotments, GP enhancements, Early Years and Childcare, primary education, and passenger transport improvement related contributions which table 6 of the 2014 IDP suggests will be provided through a combination of both pooled s106 contributions (applicable to the South Maldon Garden Suburb sites) and the CIL charge.</p> <p>Despite this the contributions in tables 6 and 8 assume that sports contributions will be payable solely through CIL – there is concern that the full cost to the strategic South Maldon Garden suburb is not reflected within the 2014 IDP assumptions and this will clearly impact on the viability and deliverability of this large portion of the Council’s overall housing land supply.</p> <p><u>Viability Study methodology and assumptions</u></p> <p>The May 2014 Viability Study reapplies ‘methodology and assumptions used in the Viability Study’ and is to be read in conjunction with the Viability Study and Viability Study Update. In this respect the concerns raised in the March 2013 Pioneer representations regarding the Viability Study and Viability Study Update remain applicable (as are concerns raised by the Local Plan Inspector) and it is requested that these are taken into consideration as part of this Examination process.</p> <p><u>Land values</u></p> <p>Despite significant concerns raised within the March 2013 Pioneer representations in respect of the land value viability thresholds applied to the South Maldon Garden Suburb these remain set at £330k per hectare in the Council’s evidence base (VOA data suggests that permitted residential land values are likely to significantly exceed this and Commercial Estates Group and Dartmouth Park Estates consider a £330k threshold to be insufficient as does independent valuation advice).</p>

The May 2014 Viability Study does not re-visit the Viability Thresholds against which the viability modelling is tested, despite concerns raised by major landowners that these are insufficient for land to be released.

Concerns regarding the May 2014 Viability Study

- The £330k per hectare value threshold assumption is insufficient to secure the release of housing land.
- The value / price assumption of £2,900m² (£270 per sqft) for homes to be delivered in the South Maldon Garden Suburb is unrealistically high. The prices assumed are more reflective of a market high, and are unable to take into account that recessionary conditions are likely to re-occur during the Plan period as the economic cycle runs its course. Independent valuation advice suggests that a value of between £2,500 and £2,700 per m² (£235 to £250 per sqft) at the South Maldon location is more realistic at the current time.
- The May 2014 Viability Study acknowledges that the final details of some contributions are not yet known, which renders the 2014 Viability Study unreliable.

Sensitivity testing

The May 2014 Viability Study undertakes only a limited sensitivity analysis to consider the impact of different cost / revenue assumptions upon the ability of sites to deliver affordable housing.

Where higher land value thresholds are applied (as suggested within VOA data and noted in detail in the March 2013 Pioneer representations) the S2a Limebrook Way scheme is demonstrably unable to deliver 40% affordable housing even before altered planning / construction costs / house value assumptions are applied.

On a large strategic scheme in Maldon a value assumption of £2,900m² is unrealistic, and independent valuation advice suggests that between £2,500 and £2,700 per sqm (£235 to £250 per sqft) at the South Maldon location is more reflective of the current market. When £2,500 per sqm (£235 per sqft) is applied it suggests that S2a Limebrook Way will be unviable at 40% affordable housing, even at £0 per sqm CIL.

At £2,700 (£250 per sqft) sensitivity testing suggests that 40% is similarly unviable even compared to the unrealistically low May 2014 Viability Study £330k per hectare land value threshold and with no increase applied to the cost assumptions. A 30% level of affordable housing will prove similarly unviable at this upper ceiling value (which is therefore likely to be optimistic as it lies at the top of the current value range) and where compared to the unrealistically low May 2014 Viability Study £330k per hectare land value threshold and with a 2.5% to 5% increase in cost assumptions.

Sensitivity analysis undertaken by Pioneer suggests that having regard to current values suggested by independent valuation advice, a 20 to 25% level of affordable housing (on a numerical basis) at £0 per sqm CIL, whilst still generating an insufficient residual land value compared to the Viability Study £330k per hectare threshold where adjusted values / costs are assumed, is likely to represent a more appropriate affordable housing target and CIL assumption for the South Maldon Garden Suburb.

The emerging Local Plan should be modified in respect of the South Maldon Garden Suburb to apply a 25% affordable housing target (subject to site specific viability)

	<p>alongside a modification to the emerging CIL draft Charging Schedule reducing the CIL requirement to £0 per sqm on the South Maldon Garden Suburb.</p>
<p>Officer comments</p>	<p><u>Overlap between S106 and CIL costs</u> The 2014 IDP Update (EB059d) provides a list of sports infrastructure required across the District, which the Council will seek to deliver through CIL. The IDP then notes that ‘although there is no information available on the level of the infrastructure need and cost specifically for the Garden Suburbs at this time, it is accepted that sports and related social facilities to primarily serve the Maldon and Heybridge Garden Suburbs should be delivered through pooled Section 106 contributions’. The Regulation 123 list therefore excludes ‘sports and related social facilities to primarily serve the Maldon and Heybridge Garden Suburbs’ from CIL.</p> <p>The Draft Regulation 123 list outlined in page 28 of the 2014 IDP Update takes the same approach of excluding allotments, health, early years and childcare, primary and secondary education, and passenger transport infrastructure to primarily serve the Maldon and Heybridge Garden Suburbs from CIL.</p> <p>The PPG states that; <i>‘Where the regulation 123 list includes a generic item (such as education or transport), Section 106 contributions should not normally be sought on any specific projects in that category. Such site-specific contributions should only be sought where this can be justified with reference to the underpinning evidence on infrastructure planning made publicly available at examination. The charging authority’s proposed approach to the future use of any pooled Section 106 contributions should be set out at examination and should be based on evidence’.</i></p> <p>The December 2013 IDP (EB059c) justifies the delivery of specific items to be located within the large scale strategic developments of the Garden Suburbs through pooled Section 106 contributions. The Council has presented proposed Section 106 pooling arrangements for all CIL consultations. It should also be noted that the Regulation 123 list does not form part of the Charging Schedule, and will therefore not be subject to assessment at CIL Examination.</p> <p><u>Viability Study methodology and assumptions</u> Any concerns raised regarding the methodology and assumptions used in the Viability Studies identified during the previous Preliminary Draft Charging Schedule (PDCS) consultation were reviewed by the Council’s viability consultant. Any required changes were incorporated into the May 2014 Viability Study (EB040d). Where no further evidence has been provided, but previous objections still stand, there is no reason for the Council to review these objections again.</p> <p><u>Concerns regarding the May 2014 Viability Study</u> The Council is comfortable with land value thresholds and value / price assumptions used in the Viability Study (EB040d). Unless further / new evidence is provided, no further assessment is required in relation to land value thresholds and value / price assumptions.</p> <p>The May 2014 Viability Study was produced using the best available information at the time of production, following extensive consultation with all relevant landowners, stakeholders and infrastructure providers.</p> <p>It is agreed that there is the potential for significant changes in planning and</p>

	<p>construction costs during the lifetime of a strategic site. However the PPG states that ‘current costs and values should be considered when assessing the viability of plan policy’ (Paragraph 008 Reference ID: 10-008-20140306).</p> <p><u>Land values and sensitivity testing</u></p> <p>The Council is comfortable with land values and the results of sensitivity testing within the Viability Study (EB040d). Unless further / new evidence is provided, no further assessment is required in relation to land value thresholds and value / price assumptions.</p> <p>The conclusions of the May 2014 Viability Study (EB040d) provide significant flexibility in terms of the viability of the site. The residual value of the site at 30% affordable housing and a CIL rate of £70 per sqm is far in excess of the viability threshold. The planning obligations upon the site are therefore not set at the limit of the sites viability.</p>
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Reference no.	DCS30
Summary of representation	<p>The respondent is not able to provide costs of wastewater infrastructure required to serve the proposed growth. However, the respondent would not expect there to be provision within the CIL for wastewater infrastructure. The respondent would be pleased to engage in further discussion should wastewater network infrastructure be considered for inclusion.</p> <p>In general, wastewater treatment infrastructure upgrades to provide for residential growth are wholly funded by Anglian Water through our Asset Management Plan. Network improvements (on-site and off-site) are generally funded/part funded through developer contribution via the relevant sections of the Water Industry Act 1991.</p>
Officer comments	Comments noted.

Reference no.	DCS31
Summary of representation	<p>Key concerns have been raised by the Inspector in relation to the LDP, which therefore brings into question the evidence base supporting the production of the CIL rates. The respondent therefore recommends that the CIL process is suspended until matters pertaining the LDP are appropriately reconciled.</p> <p>The respondent suggests that the proportion of CIL funds allocated to parish and town councils should be based on the infrastructure requirements of the area, and should not be based on a blanket approach.</p> <p>The respondent suggests consideration should be given to providing an exemption from CIL for small builders, such as creating a threshold of up to 10 dwellings for CIL exemption.</p> <p>The respondent suggests that the Council should consider an approach to reviewing the CIL Charging Schedule in the future to take account of changes in the market etc.</p> <p>The rate proposed for supermarkets outside of Maldon and Heybridge is not supported by the respondent. Supermarket development should be encouraged in these areas, not burdened by an onerous levy.</p>

	<p>The Draft Instalments policy is supported by the respondent: however provision should be made for individual instalment plans to come forward for specific sites, and longer payment periods within the policy.</p> <p>There is a discrepancy in the payments table, were the final payment for 301+ schemes should read 2190 days rather than 1826 days, which is only one day after the penultimate payment.</p>
Officer comments	<p>The Council is confident that there will be no significant changes to the LDP that would impact the assessment of appropriate CIL rates for the District. It is therefore not considered necessary to suspend the CIL process.</p> <p>The proportion of CIL proposed to be allocated to parish councils is consistent with the CIL Regulations. Further discussions with parish and town councils following the adoption of CIL may develop alternative funding arrangements. This will be considered within the CIL Implementation Plan.</p> <p>The Viability Study (EB040a,c, and d) has considered a range of development types and sizes in relation to the impact of LDP policy requirements and the imposition of a CIL rate. There is no indication in the Viability Study that the viability of small developments would be threatened by the imposition of a CIL rate.</p> <p>Comments regarding the need for a review process of the CIL Charging Schedule are noted.</p> <p>Regulation 14 of the CIL Regulations states that the charging authority, in setting rates, ‘must strike an appropriate balance between’ the desirability of funding infrastructure from the levy and ‘the potential effect (taken as a whole) of the imposition of CIL on the economic viability of development across its area’. CIL Guidance (CLG, April 2013) clarifies that ‘differences in rates need to be justified by reference to the economic viability of development’. Charging authorities need to ensure that there is no selective advantage, where different rates must be informed by ‘consistent evidence relating to economic viability that constitutes the basis for any such differences in treatment’. Therefore the DCS rates are based on the viability of supermarket development, rather than being based on objectives or aspirations to promote economic development and certain types of development.</p> <p>The Instalments Policy is considered appropriately flexible to support the viability of development in the District.</p> <p>The discrepancy in the Draft Instalments Policy is noted, and will be amended accordingly.</p>

Reference no.	DCS32
Summary of representation	Cold Norton Parish Council agree with the overall Draft Charging Schedule, however they believe that a more significant percentage of the funds should be provided to the Parish Council.
Officer comments	The proportion of CIL proposed to be allocated to parish and town councils is consistent with the recommendations in the CIL Regulations. Further discussions with parish and town councils following the adoption of CIL may develop alternative

	funding arrangements. This will be considered within the CIL Implementation Plan.
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Reference no.	DCS33
Summary of representation	<p>Lambert Smith Hampton, on behalf of Persimmon Homes, submitted representations to the first round of public consultation concerning the Draft Charging Schedule. It was highlighted that there had been confusion between the assumptions applied to the various sites – most notably S2(f) and S2(g). It would appear that whilst the proposals map is wrongly labelled when compared to the CIL report; the reports have been clarified as being accurate.</p> <p>It seems reasonable to conclude that like sales values, the land value benchmark should vary across the Authority to reflect market differences. Further explanation is therefore required to explain why market fluctuations have not similarly been applied to the land value benchmark to ensure that the NPPF assessment of viability can be met and that the cumulative impact of the Council’s policies, including Section 106, Affordable Housing and CIL, do not put the implementation of the plan at serious risk.</p> <p>There is also concern that the proposed single land value used to assess the entire authority is significantly below the residual values presented in the viability reports before CIL is included.</p> <p>To account for land value fluctuations across the District, it is recommended that a buffer is applied to the proposed residential CIL rates. It is for the Council to determine the appropriate buffer, however Bristol, for example chose 50% and in the case of Hertsmere District Council the Examiner adjusted the Council’s proposed rate of a zoned CIL by 23%. Having analysed the Economic Viability Assessment, a viability buffer does not appear to have been included and it is felt that the impact of CIL on marginal developments has not been sufficiently considered. Given the approach of a single CIL rate based on a single land value benchmark across the authority, we would therefore ask that the CIL charges are reviewed to include an appropriate viability buffer; it is proposed it would be reasonable for such a buffer to be in the order of 20%.</p> <p>Concerns relating to separating sites from the Masterplan are:</p> <ul style="list-style-type: none"> • No reasonable direct stakeholder engagement has taken place with Persimmon Homes on the anticipated infrastructure identified in the Heybridge Masterplan. • Site S2(f) or Additional Land (as referred to in the Viability Study) is required to support significant infrastructure costs. If the site were to become unviable, this could threaten the delivery of the North Heybridge Garden Suburb. • More certainty on infrastructure costs would be provided through the production of a Planning Obligations SPD. • It is unclear in the consultation material if a realistic delivery time has been factored into the viability assessment of strategic sites. • The latest viability assessment has seen the residual value of the additional land drop by £57,654 to £452,715. This leaves the site achieving only £122,715 over the proposed land value threshold of £330,000. At this value the scheme viability is marginal. It is quite possible any additional costs or wrongly estimated costs for this scheme could lead to the proposed CIL charge rendering the scheme unviable. This marginality in viability again highlights the need for some buffer to be considered to ensure that the scheme can be delivered if the assumptions proposed are inaccurate.

<p>Officer comments</p>	<p>Through the consultation process the methodology used in the Viability Study (EB040a) was agreed. It was agreed that it was most appropriate to follow the Harman Guidance (also having regard to the RICS Guidance) and use the ‘existing use value plus’ approach to viability thresholds. The recommended rates of CIL have been derived through a quantitative and a qualitative process and are based on a series of judgements that are informed by the viability work. The rates of CIL are therefore not calculated by a particular and precise formula.</p> <p>In the viability assessment sensitivity testing was carried out in relation to fluctuations in terms of value and costs. It is suggested that such testing should also be carried out in relation to land values. This would be appropriate if land values formed part of the calculation of the rates, but this is not the case. In the tables set out in Chapter 8 of the May 2014 Viability Study Update (EB040d) the Residual Value is compared with the Existing Use Value plus an amount to give the Viability Threshold. The Residual Value is the maximum a developer could pay for a piece of land in the context of the extant and emerging planning policies and having made a competitive return.</p> <p>This methodology does reflect a very considerable uplift for a landowner selling a greenfield site with consent for development. In the event of the grant of planning consent they would receive many times the value compared with before that consent was granted. This approach has been widely accepted elsewhere (in similar studies in 40 authority areas carried out by the Council’s viability consultant, and in numerous other studies carried out by other firms).</p> <p>The Council’s viability consultant has considered how these amounts relate to prices for land in the market and with a view to providing competitive returns to the land owner. Whilst there are certainly land transactions at higher values than these, the Council believes that these are appropriate for a study of this type. It is useful to review the assumptions used in other studies in other parts of England. The Council’s viability consultant has reviewed viability thresholds used by other councils in development plans approved during the first half of 2014. These are set out in the table below.</p> <table border="1" data-bbox="395 1368 1412 1928"> <thead> <tr> <th colspan="3" data-bbox="395 1368 1412 1406">Viability thresholds used elsewhere</th> </tr> <tr> <th data-bbox="395 1406 799 1442">Local Authority</th> <th data-bbox="804 1406 1208 1442">Developer’s Profit</th> <th data-bbox="1212 1406 1412 1442">Threshold Land</th> </tr> </thead> <tbody> <tr> <td data-bbox="395 1442 799 1476">Barbergh</td> <td data-bbox="804 1442 1208 1476">17%</td> <td data-bbox="1212 1442 1412 1476">£370,000/ha</td> </tr> <tr> <td data-bbox="395 1476 799 1509">Cannock Chase</td> <td data-bbox="804 1476 1208 1509">20% on GDV</td> <td data-bbox="1212 1476 1412 1509">£100,000-£400,000</td> </tr> <tr> <td data-bbox="395 1509 799 1543">Christchurch & East Dorset</td> <td data-bbox="804 1509 1208 1543">20% on GDC</td> <td data-bbox="1212 1509 1412 1543">£308,000/ha (un)</td> </tr> <tr> <td data-bbox="395 1543 799 1576"></td> <td data-bbox="804 1543 1208 1576"></td> <td data-bbox="1212 1543 1412 1576">£1,235,000/ha (s)</td> </tr> <tr> <td data-bbox="395 1576 799 1610">East Hampshire</td> <td data-bbox="804 1576 1208 1610">20% market/6% Affordable</td> <td data-bbox="1212 1576 1412 1610">£450,000/ha</td> </tr> <tr> <td data-bbox="395 1610 799 1644">Erewash</td> <td data-bbox="804 1610 1208 1644">17%</td> <td data-bbox="1212 1610 1412 1644">£300,000/ha</td> </tr> <tr> <td data-bbox="395 1644 799 1677">Fenland</td> <td data-bbox="804 1644 1208 1677">15-20%</td> <td data-bbox="1212 1644 1412 1677">£1-2m/ha (servic)</td> </tr> <tr> <td data-bbox="395 1677 799 1756">GNPD</td> <td data-bbox="804 1677 1208 1756">20% market/17.5% large sites/6% Affordable</td> <td data-bbox="1212 1677 1412 1756">£370,000-£430,000</td> </tr> <tr> <td data-bbox="395 1756 799 1789">Reigate & Banstead</td> <td data-bbox="804 1756 1208 1789">17.5% market/6% Affordable</td> <td data-bbox="1212 1756 1412 1789">£500,000/ha</td> </tr> <tr> <td data-bbox="395 1789 799 1868">Stafford</td> <td data-bbox="804 1789 1208 1868">20% (comprising 5% for internal overheads).</td> <td data-bbox="1212 1789 1412 1868">£250,000/ha</td> </tr> <tr> <td data-bbox="395 1868 799 1901">Staffordshire Moorlands</td> <td data-bbox="804 1868 1208 1901">17.5% market/6% Affordable</td> <td data-bbox="1212 1868 1412 1901">£1.26-£1.41m/ha</td> </tr> <tr> <td data-bbox="395 1901 799 1928">Warrington</td> <td data-bbox="804 1901 1208 1928">17.5%</td> <td data-bbox="1212 1901 1412 1928">£100,000-£300,000</td> </tr> </tbody> </table> <p data-bbox="395 1928 1412 1962">Source: Planning Advisory Service (collated by URS) July 2014</p>	Viability thresholds used elsewhere			Local Authority	Developer’s Profit	Threshold Land	Barbergh	17%	£370,000/ha	Cannock Chase	20% on GDV	£100,000-£400,000	Christchurch & East Dorset	20% on GDC	£308,000/ha (un)			£1,235,000/ha (s)	East Hampshire	20% market/6% Affordable	£450,000/ha	Erewash	17%	£300,000/ha	Fenland	15-20%	£1-2m/ha (servic)	GNPD	20% market/17.5% large sites/6% Affordable	£370,000-£430,000	Reigate & Banstead	17.5% market/6% Affordable	£500,000/ha	Stafford	20% (comprising 5% for internal overheads).	£250,000/ha	Staffordshire Moorlands	17.5% market/6% Affordable	£1.26-£1.41m/ha	Warrington	17.5%	£100,000-£300,000
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	<p>Care has to be taken drawing on such general figures without understanding the wider context and other assumptions in the studies but generally the assumption used in the Viability Study are within the range. The assumptions with regard to developers' return / profit are at the upper end of the range. Together these assumptions illustrate the generally cautious approach taken through the Council's viability work and the comments made by the development industry and landowners through the consultation process.</p> <p>In the Viability Study and subsequent CIL setting process care has been taken to ensure that the Residual Value is well in excess of the viability threshold. This not only allows for and recognises that different landowners will take a different approach to the meaning of a 'competitive return' but also allows for significant fluctuations of land value over time.</p> <p>The CIL rates proposed in the Viability Study (EB040d) are based on the inclusion of a significant allowance for changes in the viability threshold. To provide an appropriate 'buffer' to support the viability of strategic sites, the Council has acknowledged that the rates of housing allocated in LDP Policy H1 will need to be considered as part of the LDP Examination, with a potential reduction to the requirements within the LDP strategic sites as recommended in the May 2013 Viability Study. This would provide an appropriate buffer as requested in the representation.</p> <p>Site S2(f) / Additional Land (as referred to in the Viability Study) which relates to this representation is part of the North Heybridge Garden Suburb , and has been a key partner in the production of the Strategic Masterplan Framework. A significant amount of consultation has therefore been undertaken in relation to infrastructure provision.</p> <p>The Viability Study has identified that the site can viably support the infrastructure costs proposed in LDP Policy I1 and the IDP (EB059d), alongside a CIL rate of £70 per sqm.</p> <p>The Council is not proposing to produce a Planning Obligations SPD; however comments made within the representation are noted.</p> <p>The August 2013 Viability Study (EB040a) outlines that infrastructure payments have been assessed by spreading payments throughout the 15 year Plan period.</p> <p>The residual value identified in the May 2014 Viability Study (EB040d) is considered to be appropriate to provide sufficient flexibility in the viability assessment, and ensure that the development of site S2(f) remains viable.</p>
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Reference no.	DCS34
Summary of representation	<p>NHS England may, through a planning application consultation, make a request for a specific amount of CIL funding (which, relating back to the previous PDCS consultation would equate to £3.56 per square metre). However, as the allocation of this funding is at the discretion of the Local Planning Authority (the Charging Authority, LPA), it is understood that no specific allocation or ring-fencing of a CIL proportion can be made for NHS England.</p> <p>In this respect, due to the critical need for healthcare funding, the CIL charging</p>

	<p>schedule (insofar as the Reg 123 list) should be amended to either exclude healthcare (thus leaving all funding down to S106 Agreements) or to specify actual projects for which CIL receipts would/may be collected/spent on (leaving the remainder of new facilities to be provided under S106). Such an approach would be acceptable under the Regulations and allow NHS England to continue to deliver its infrastructure programme without depending on the LPA for a discretionary payment.</p> <p>The previous PDCS response in March 2014 cited £3.56 per square metre as the CIL amount necessary to go towards the future infrastructure budget of NHS England in Maldon District. However, this was on the basis of 4,430 homes being provided adding to the population growth. It is noted that strategic sites S2d and S2e are omitted from being charged in this Draft Charging Schedule. This would have an impact on the amount of funding required to invest in NHS facilities and there does not appear sufficient reasoning as to why the most significant developments in the District for a number of years have been made exempt from CIL charging.</p> <p>The NHS delivery target would be affected by proposed housing targets in the LDP. It is therefore recommended that the consideration of appropriate CIL rates should be withheld until the adoption of the LDP.</p>
Officer comments	<p>Through the Regulation 123 list the Council is proposing to require CIL funding for healthcare, except in the North Heybridge and South Maldon Garden Suburbs, where site specific projects will be provided through pooled S106 contributions. This approach should satisfy the requests within the consultation representation.</p> <p>The LDP and CIL Viability Study Post Consultation Update (November 2013 EB040c) identified that LDP sites S2(d) and S2(e) are required to provide over £30,000 per unit in infrastructure costs. The imposition of full affordable housing requirements and CIL would render these sites unviable. The Planning Policy Guidance (PPG) states that <i>‘Plan makers should consider the range of costs on development. This can include costs imposed through national and local standards, local policies and the Community Infrastructure Levy, as well as a realistic understanding of the likely cost of Section 106 planning obligations and Section 278 agreements for highways works. Their cumulative cost should not cause development types or strategic sites to be unviable. Emerging policy requirements may need to be adjusted to ensure that the plan is able to deliver sustainable development.’</i></p> <p>Also the NPPF notes that viability should consider ‘competitive returns to a willing landowner and willing developer to enable the development to be deliverable’. The CIL rates therefore seek to ensure that strategic sites in the LDP are viable while allowing competitive returns to developers and land owners.</p> <p>The Council is confident that there will be no significant changes to the LDP that would impact the assessment of appropriate CIL rates for the District. The DCS examination will be undertaken after the LDP examination, which will allow any amendments to the LDP to be considered. It is therefore not necessary to withhold the CIL process.</p>
Reference no.	DCS35
Summary of representation	The respondent notes that the Council has revised its Charging Schedule and commends the Council's considered response to their previous objection and willingness to test and ensure that specialist accommodation for the elderly remains

	<p>deliverable under the proposed CIL regime.</p> <p>The respondent also commends the approach taken in the revised Charging Schedule provided it is in keeping with their understanding which is as follows: Extra Care accommodation is subject to a CIL of £0 per sqm across the whole District, this form of accommodation was found to be unviable on both greenfield and brownfield sites with any higher CIL charge in the Local Plan and CIL Viability Update (May 2014). Moreover there was a subsequent removal of an Extra Care typology from the DCS.</p> <p>Sheltered / Retirement housing now referred to as 'Private Retirement homes / Nursing homes' is subject to a nil CIL rate within the built up areas of Maldon and Heybridge and a CIL rate of £70 per sqm for the remainder of the District.</p> <p>The respondent does not support the cost of brownfield land used in the appraisal and maintains their position that this is unrepresentative of their experience in purchasing land in Maldon District. The respondent is however in broad agreement with the Charging Schedule and does not wish to pursue this objection to Examination.</p> <p>The respondent is however concerned by the substitution of the term 'Sheltered' as used in the Preliminary Draft Charging Schedule to 'Retirement Home/ Nursing Home' in the Draft Charging Schedule. The respondent appreciates that there is a spectrum of definitions for older persons housing and that in many cases many of these terms are interchangeable. The respondent would however note the term Retirement Home is not one that is widely used within this sector and as such is far more ambiguous than the term Sheltered / Retirement.</p> <p>The term 'Nursing Home' is commonly referred to as a 'care home' and is a distinct form of development from Sheltered and Retirement housing. Pertinently, Nursing and Care homes fall within class C2: Residential Institution of the Town and Country Planning (Use Classes) Order whereas Retirement/ Sheltered housing are within class C3: Residential.</p> <p>The proposed change to terminology is therefore considered to lack clarity and we would query the Council's rationale for changing the terminology for development typologies that are clearly defined in the viability evidence and the Preliminary Draft Charging schedule, to a term that was not been previously referred to. We would therefore recommend that the Council reverts back to the terminology used in Table 2 of the Local Plan and CIL Viability Update-May 2014 (page 40); namely Sheltered / Retirement housing.</p> <p>The respondent also requests a footnote that clarifies that Extra Care Accommodation is included within the 'All other development' category and is therefore not subject to CIL.</p>
Officer comments	<p>The representation is correct that Extra Care development is now included as 'All other development' in the CIL rates, charged at a rate of £0 per sqm, and that Sheltered Housing is now referred to as Private Retirement Homes / Nursing Homes.</p> <p>Comments regarding the replacement of the term Sheltered Housing to Private Retirement Homes / Nursing Homes are noted. A minor modification to the notes of the DCS will be provided to clarify the definition of Private Retirement Homes / Nursing Homes.</p>

	It is not considered necessary to list all uses included within the 'All other Development' section of the DCS, this is made clear by clarifying what type of development is required to pay a different rate within the DCS.
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Reference no.	DCS36
Summary of representation	Latchingdon Parish Council support the DCS, Draft Discretionary Relief Policy, and the Draft Instalments Policy.
Officer comments	Noted.