

above)

1. Do you feel that the proposed rates are suitably informed by the viability evidence provided in the Local Plan and Community Infrastructure Levy Viability Study (August 2013) and Viability Study Post Consultation Update (November 2013) produced by HDH Planning & Development?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>

The viability evidence produced in respect of commercial development is relatively scant, in marked contrast to the residential assessment. We are not aware whether any stakeholder input has been obtained to date but would note that, as developers and investors with major commercial holdings in Maldon, we were not invited to any of the workshops which we understand have been held.

Regulation 27 requires the sampling of an “appropriate range of types of sites” and this requirement has not been fully satisfied in the context of Local Plan aspirations for the regeneration of selected areas; most notably the Causeway area of Maldon which is the focus of our particular interest.

As a result, the scope for the setting of Differential Rates has not been explored for commercial uses.

Having said this, we are bound to note the clear distinction between greenfield and brownfield sites in the Appraisal at Appendix 9 of the Viability Study. Here, notwithstanding our concerns regarding the robustness of the analysis generally (as we note below), even on the figures presented, the exercise plainly does not support CIL charging for retail warehouse development on brownfield sites, given ‘additional profit’ levels of only £41psm and the need to provide a sensible viability buffer.

The key consideration here is the fact that neither National nor Local Plan policy support greenfield development within this sector and actively steer development to well located brownfield locations. Greenfield development will not be policy compliant and should either not feature in the equation at all or be subject to a Differential Rate.

2. Do you believe the evidence on viability is correct? If not, please set out alternative evidence to support your view.	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>

The absence of local transactional information is a significant constraint and we do not believe that the comparables used properly reflect the characteristics of what is a small catchment area, the inelastic nature of demand or portfolio scale.

Commercial confidentiality presently precludes the release of terms being negotiated with operators within the large format retail sector but figures under discussion serve to illustrate this point.

The likely robustness of the viability evidence and the appropriateness of suggested rates can also reasonably be assessed with reference to adjoining authorities, particularly given that the Viability Study acknowledges (para 13.26) that the neighbouring rates represent a material factor in rate setting. Whilst the study suggests that no information is available in this respect, in reality Chelmsford City Council is close

to adopting its charging schedule following Examination. In this respect, appreciably lower rates for non food retail and zero rating for hotels sound a significant note of caution; particularly since this is exactly the type of relatively footloose investment which could easily be lost to competing centres. Equally, proposed rates under initial consultation in nearby Castle Point District are much lower for both non food & hotels.

3. Do you think the rates proposed strike an appropriate balance between helping to fund infrastructure through CIL and the potential effects of imposing CIL on the viability of development needed to deliver the aspirations of the Local Development Plan?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>

See Responses to previous questions. We would particularly note the failure to consider the need to secure regeneration within the Causeway Regeneration Area pursuant to LDP policy and the role of mixed use schemes. The plan evidence base recognises that significant investment is unlikely to be achieved without pump priming commercial development which current CIL rates are likely to prejudice.

4. Do you think the Council should introduce an instalments policy?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
No further comment		
5. Do you think the Council should include discretionary relief from CIL for charitable investment or 'exceptional circumstances' as outlined in section 2.5 of the CIL Preliminary Draft Charging Schedule consultation document?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
In the interests of flexibility, although the setting of the levy itself is clearly the paramount concern since the potential availability of exceptional circumstances relief cannot form a basis for investment decisions.		

6. Do you have any other comments on the Preliminary Draft Charging Schedule or supporting evidence?

Yes

No

[Click here to enter text.](#)

No further comment