

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 NO

Looking at the evidence base as a whole there appears to be a degree of uncertainty as to whether infrastructure, sufficient to support the growth without future problems, is financially viable and deliverable in a timely fashion. For a level of infrastructure provision matching the aspirations presented in public consultation, and thus to meet public expectations the degree of uncertainty is extremely high.

That a proportion of CIL funds will be diverted to parishes might also reduce the ability to pursue priorities in a wider strategic way and employ the maximum available income accordingly.

Though the current projection of accumulative income from CIL appears not to be too high if the infrastructure is to be achieved some rebalancing of the amounts for categories of development seems, to my mind, advisable (see '3' below). The question as to whether the Plan as a whole is rendered unviable by the level of CIL charges might depend not only on developers reaction 'in the event' of development but upon what level of shortfall in provision of desired infrastructure is acceptable, or deemed acceptable by the secretary of state.

2. Do you believe the evidence on viability is correct? YES NO
If not, please set out alternative evidence to support your view.

The uncertainty mentioned in '1' above, and acknowledged in LPA consultant reports, stems from inadequate evidence, or in some cases a current lack of evidence, rather than (so far as I am competent to judge) incorrect evidence.

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 NO

Given that the ability to deliver infrastructure via Section 106 agreements, or pooling of contributions to infrastructure, is restricted and liable to reassessment by developers (and the secretary of state on appeal) on a site-by-site basis, the overall cumulative level of CIL contribution is going to need to be substantial if the level of infrastructure and provision to which the Plan aspires is to be achieved. However, the fact that viability will differ on a site-by-site basis makes prior setting of CIL charges susceptible to inequity.

(In a joint statement issued by the RIBA, the Town and Country Planning Association, BRE, the Campaign to Protect Rural England and Friends of the Earth, the government have been urged to publish guidance on viability that looks beyond up-front development costs and provides for assessments to be made on a site-by-site basis, rather than whole area testing.

The alliance argues that viability testing should consider the long term economic, social and environmental interests of communities as well as developers and landowners.)

Inequity apart, the balance of charges between use categories might be better adjusted to encourage those which are core to the Plan aspirations and a priority within the Council's Corporate Plan. Those priorities include provision for older people and smaller, more economic residential units in those categories where there is a short supply:-

Residential (younger age starter, mid age restart or older age downsize housing)

In order to encourage provision of residential accommodation in those categories for which there is most need, and instead of setting a charge for housing generally, the charge might be low* for one and two bedroom housing, increased for three bedroom and perhaps even increased again for yet larger residences. **The rate of £70/m² is very low compared with Chelmsford £125/m² and Colchester £120/m².*

Sheltered Housing (sheltered housing with 'non-care' support)

It seems counterproductive to set the charge at £150/m², and to set it higher than do Chelmsford or Colchester, when the need for such accommodation is likely to increase and its provision needed to be encouraged, compared to say 5 bedroom houses currently set at £70/m². There is no evidence that sheltered housing makes a larger demand on infrastructure provision across the board. Locality might also be taken into account in charging since both sustainability, and the desirability but higher cost, of central location are factors to be considered.

Extra Care Housing ('very sheltered housing or housing with some care provision')

Setting extra care housing at £150/m² would not encourage provision of this category of accommodation, very much in short supply and for which there is likely to be increasing need. There appears to be a need to add to or better define the CIL category of 'extra care' bearing in mind provision for people who are too vulnerable to be accommodated in what the LPA defines as 'very sheltered housing or housing with care' and where residential care (RCH) accommodation is not an appropriate or desirable choice.

I understand that experience is showing that for providers of extra care development, even Housing Association or charitable providers, a satisfactory level of extra care provision for vulnerable older people, or those very vulnerable through disability, is proving impracticable for their organization. Alms-house or other charitable housing provision will, I trust, not be subject to CIL charges but would require a level of local community involvement, either through village mechanisms (traditionally that might have been parish church based mechanisms) or other local community commitment.

Nursing or Residential Care Home Adjunct Housing ('very sheltered housing or housing with a high provision of care insitu')

These might for instance be residential units with a high personal or a medical care component. Where, for instance, this is for dementia sufferers, they might live with a relative or partner as carer. These are residential units where the degree of care is more

intense or specialized than can be managed or afforded in very sheltered housing accommodation but where a greater degree of independence and privacy can be achieved since they are detached from but in situ with a care home or nursing home and where domiciliary care can thus be provided very much more efficiently on site.

What is of concern is discouragement of future possibilities* for such development and I would urge the LPA to consider setting £0/m² charge where such accommodation is adjunct to a Nursing or Residential Care Home and where such development might be outside of the charitable sector but conditioned for its category of use to remain in perpetuity.

**See also pre-submission CIL consultation response from Simon Patten of Down Hall RCH.*

Attention is drawn to early onset dementia as well as dementia in the projected large and increasing proportion of the older population (See Alzheimer Society et al)

§ There are, I'm told, untapped resources for Alms-houses where building stock can be held for that use in perpetuity. (see LEAP information) Alms House charities will, I trust, be exempt from CIL charges but I try to address here the possibilities for non-charity partnering of a charity in specialized or affordable housing provision where there is advantage for both in the former subsidising the latter. This is perhaps where Community LED plans might make good use of the parochial share of CIL.

4. Do you think the Council should introduce an instalments policy? YES NO

It would seem inadvisable to have delayed or retrospectively due charges toward infrastructure given the short timescale of the planned growth and the fact that infrastructure needs to precede or be suitably concurrent with commissioning of development.

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 NO

Exceptional circumstances might perhaps be employed for judicious support of appropriate and carefully conditioned extra care or specialist housing schemes by other than charities, or where there is a non-charity partnering of a charity in specialized or affordable housing provision for the purpose of, or resulting in, the former subsidising the latter. (See also 'Adjunct Housing' in '3' above)

Relief from charges where there is investment for a return from built development would not seem to be appropriate where use of the development itself has no charitable content.

5. Do you have any other comments on the preliminary draft schedule or supporting evidence? YES NO

The charge of £150/m² for supermarkets seems disproportionately and unnecessarily low (Colchester appear to have £240/m²) and no distinction is made between supermarkets, and supermarkets/shopping outlets of some specified smaller size and not reliant on volume buying by car users.