

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 type="checkbox"/>
No comment		
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 type="checkbox"/>
No comment		

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 type="checkbox"/>
No comment		

4. Do you think the Council should introduce an instalments policy?	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
No 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"/>
<p>The CIL Regulations emphasise the need to strike an appropriate balance between the desirability of funding infrastructure from the levy with the potential effects which CIL might have upon the economic viability of development across its area. This is an important consideration for any development proposals involving or affecting heritage assets, where development costs may be increased due to the special considerations necessary.</p> <p>The Council should therefore 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". Paragraph 126 of the NPPF requires local planning authorities to set out in their local plans a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. Vacant or underused heritage assets not only fail to make a full contribution to the economy of the area but they also give rise to negative perceptions about that area. This, in turn, can detract from its attractiveness to inward investment.</p> <p>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. This should be set out in the Charging Schedule.</p> <p>For clarity, following guidance set out in the Community Infrastructure Levy Relief Information Document (2011), we recommend that the conditions and procedures for CIL relief be set out within a separate statement following the Draft Charging Schedule. The statement 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 statement could also reiterate the necessary requirements and procedures which would be followed in such cases, including the need for appropriate notification and consultation.</p>		

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

Yes

No

English Heritage recognises the importance of Community Infrastructure Levy (CIL) as a source of funding to deliver the infrastructure required to underpin the sustainable development within Maldon. English Heritage advises that CIL charging authorities identify the ways in which CIL, planning obligations and other funding streams can be used to implement the strategy and policies within the Local Plan aimed at achieving the conservation and enhancement of the historic environment, heritage assets and their setting, in accordance with paragraphs 6, 126 and 157 of the NPPF.

In terms of using the CIL to fund infrastructure, although the historic environment is not mentioned explicitly by Section 216 of the Planning Act 2008 (as amended), it can form part of different infrastructure types. Roads and other transport facilities may include historic structures (such as bridges); school facilities can include historic buildings; and open/recreational spaces can contain archaeology and/or form part of the character and setting of designated heritage assets such as listed buildings and conservation areas. Heritage assets can also be described as community infrastructure in their own right (such as specific tourist attractions). The Localism Act also allows CIL to be used for maintenance and ongoing costs, which may be relevant for a range of heritage assets. At the same time, it is important that any CIL project minimises the harm that might be caused to heritage assets.

Development specific planning obligations (e.g. S106 agreements) continue to offer further opportunities for funding improvements to and the mitigation of adverse impacts on the historic environment, such as archaeological investigations, access and interpretation, and the repair and reuse of buildings or other heritage assets. The historic environment can therefore benefit from developer contributions in specific cases.

We note the projects in the Maldon Infrastructure Delivery Plan and the emerging Regulation 123 List. Although none make specific reference to the historic environment, a number will have implications, such as improvements to transport infrastructure and investment in museums, visitor centres and markets.

We also note the possibility of providing a proportion of total annual CIL receipts to neighbourhoods for spending on local infrastructure projects. We hope that some of this expenditure can benefit the historic environment in the district's neighbourhoods, such as through enhancements to public realm and open spaces. In terms of the remaining proportion under the control of the Council it will be helpful to clarify how amounts will be split between different infrastructure types. We hope infrastructure projects can be identified that have a positive effect on the historic environment, while any harm to individual heritage assets as a result of specific projects can be kept to a minimum.