

the CIL Charging Schedule, please tick here (please ensure your details have been entered clearly 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"/>

It is considered that the rates are suitably informed by the work undertaken for the updated Viability Study, but only to a point, as they do not cover other inevitable costs. Even with these omissions the funding gap is high at £78 million.

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.

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"/>

For reasons given under Q1, there are doubts about the accuracy of the estimated costs and, if as expected they have been underestimated, then this could render the schemes to be not viable and therefore incapable of delivery. It has clearly been the case that the Council has been concerned about the relative infrastructure costs of Strategic Sites S2(d) and S2(e) that has justified its decision to apply discretionary relief by treating them as if they represent exceptional circumstances. The reasoning for this is not clarified in any detail and it may well be that other sites could argue similar justification.

There is also an inconsistency and contradiction in the Preliminary Draft Charging Schedule in relation to paragraph 2.5.3 which states that the Council does not propose to make discretionary relief available for exceptional circumstances, but clearly it has in respect of Strategic Sites S2(d) and S2(e). This is misleading and inequitable, especially where similar circumstances may arise on other sites.

It is submitted that the redevelopment of the Heybridge Swift Football Club in Scraley Road, Strategic Site S2(h) is a special case in that

- 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 Suburb allocation. The latter requires the provision of key major infrastructure to be secured before the suburb can be delivered;
- 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 conditions and S106 obligations and not CIL;
- any requirements over and above those generated directly by the Swift development that relate to the wider area and major growth proposals would result in the relocation of the Heybridge Swifts FC being unviable and undeliverable.

All contributions whether by CIL or S106 agreements should by law be secured on the basis of a fair and proportionate impact basis. The proposals to levy CIL on the Heybridge Swifts site does not meet this test.

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 checked="" type="checkbox"/>
	No	<input type="checkbox"/>

Refer to comments under Q2. It is considered that the proposed rates do not strike an appropriate balance in the case of the Heybridge Swifts FC proposal.

4. Do you think the Council should introduce an instalments policy?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

This would appear to be logical, but it would not apply to the Heybridge Swifts FC proposals in view of the nature of the proposed site specific 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	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

For the reasons stated under Q2, the Heybridge Swifts FC development should be exempt from CIL and, therefore, there is a strong case for the Council to include discretionary relief for both charitable investment or 'exceptional circumstances'. The Council has effectively already accepted the latter in its proposal to exclude the North Heybridge Garden Suburb allocation from the Draft Charging Schedule. The Heybridge Swifts site should be treated the same way for the reasons explained and for reason of equity.

6. Do you have any other comments on the Preliminary Draft Charging Schedule or supporting evidence?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>

It is disappointing that the Council has failed to accept previous submissions made on behalf of Bloor Homes Eastern and Heybridge Swifts FC in the response made in November on the LDP Viability Study questionnaire.