



Planning Policy
Maldon District Council
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By email only
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let.021.PD.05060003

7 March 2014

Dear Sir / Madam

**MALDON DISTRICT COUNCIL – COMMUNITY INFRASTRUCTURE LEVY
CHARGING SCHEDULE CONSULTATION**

We write on behalf of our client, Sainsbury's Supermarkets Ltd, in respect of the Preliminary Draft CIL Charging Schedule for Maldon. Sainsbury's currently does not have any stores within the District but is always looking for options to expand upon its existing offer. Given this, our client has a keen interest in the Council's Community Infrastructure Levy (CIL) Charging Schedule and the implications this has on its development aspirations.

Having reviewed the draft Charging Schedule and the accompanying evidence base document prepared by HDH Planning and Development Ltd, we do not consider that there is a robust or sufficient evidence base to justify the proposed differentiation between supermarkets and warehouses and other forms of retail development i.e. £150 per m² for supermarket and retail warehousing floorspace and £0 per m² for retail floorspace other than this.

As such, we write objecting to the proposed differential rates for retail development and we set our reasons below.

Lack of Evidence

The CIL Regulations and the accompanying guidance only allow for different rates for different zones or by reference to types or scales or development where the differential rate does not have a disproportionate impact on particular sectors and where there is consistent economic viability evidence to justify this approach

Having reviewed the supporting evidence, we consider that the basis for the proposed retail rates is fundamentally flawed for a number of reasons:

- In our view, the proposed retail rate raises issues of fairness. It is clear that there is a bias against 'supermarket' development. Since this type of development does not give rise to significant impacts on a range of infrastructure, the proposed charge is clearly disproportionate and contrary



to the Guidance.

- There is no definition of a 'supermarket' contained within the draft Charging Schedule whilst the definition contained within the evidence base is open to interpretation. This loose definition is contrary to the aim of CIL, in terms of providing certainty to the development process.
- The Viability Assessment only provides one scenario relating to larger foodstore development, that of a store of 4,000m² (GIA), and one generic scenario for a town centre shop of 150m². These are extremely arbitrary figures and it is hard to see how they are representative of retailing today. Retailers are constantly evolving their store formats and sizes, and in this context, there is simply no justification for consistency in the choice of assumptions used. It is also unclear what consideration has been given to existing uses and other site specific issues such as the need for clearing, remediation, etc.
- Moreover, the testing does not consider the impact of the charge across various locations in the District. There is no evidence to suggest that the viability of development will be unchanged whether you are developing in, for example, Maldon or Burnham on Crouch.

The choice of scenarios is fundamental to the process of setting charging rates and this element needs to be robust and transparent to provide legitimate and unchallengeable levies. At present, there is no robustness and a single 'supermarket' development scenario cannot be considered sufficiently credible to form the basis of the Charging Schedule.

Given the lack of consistent evidence, there is a bias against supermarket development. This is contrary to Guidance and therefore, it is only fair to provide a consistently viable rate for all retail development i.e. £0 per m².

Exceptional Circumstances and Instalments

Notwithstanding the above, we would request that the Council agrees to implement a CIL payment instalments policy. This would give much-needed certainty and confidence to developers, in particular when progressing major or complex development schemes. This is especially pertinent given that the aim of CIL is provide more certainty 'up front' about how much money they will be expected to contribute, and in turn encourage greater confidence and higher levels of inward investment.

We consider that the Council needs to take a flexible approach to the implementation of this policy such that the individual circumstances of developers are accounted for such that they are given every opportunity to balance the needs of paying the CIL levy and bringing forward viable development proposals.

In addition, we consider that it is will be important for the Council to agree to accept Regulation 55 exceptions applications. As such, we take this opportunity



to request that the Council takes the required measures to allow for these applications to be made and accepted.

Finally, we request that we are kept informed of the Council's preparation of the Charging Schedule. In the meantime, please contact us if you have any queries.

A handwritten signature in black ink, which appears to read 'Sean McGrath'. The signature is fluid and cursive, with a horizontal line drawn underneath it.

Sean McGrath

cc: Mr D Lazenby, Sainsbury's Supermarkets Ltd