



**REPORT of
HEAD OF PLANNING SERVICES**

to
**PLANNING AND LICENSING COMMITTEE
16 APRIL 2014**

**MALDON DISTRICT COMMUNITY INFRASTRUCTURE LEVY PRELIMINARY
DRAFT CHARGING SCHEDULE CONSULTATION UPDATE**

1. PURPOSE OF THE REPORT

1.1 The purpose of this report is to update Members on the responses received to the Maldon District Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule consultation, and inform Members of the next steps in the consideration of the consultation responses and the production of the Charging Schedule.

2. AREA FOR DECISION / ACTION

2.1. Background

2.1.1 The report to the Planning and Licensing Committee on the 14 November 2013 (Minute No.554 refers) provided background information on the Community Infrastructure Levy (CIL), and outlined the project plan for the production of a Maldon District CIL Charging Schedule.

2.1.2 The report to the Planning and Licensing Committee on the 10 December 2013 (Minute No.654 refers) presented the Maldon District CIL Preliminary Draft Charging Schedule (PDCS) consultation document. The Committee endorsed the PDCS for public consultation.

2.2 The Preliminary Draft Charging Schedule consultation

2.2.1 The CIL PDCS consultation was undertaken for 6 weeks, starting on the Wednesday 22 January and ending at 12 noon on Friday 7 March. Information letters were sent to all consultees on the Council's LDP database, and promotional material, charging schedules, and response forms were available at all libraries, parish and town councils, and One Place offices in the District. Unmanned exhibitions were available throughout the consultation period at Maldon Library, Burnham-on-Crouch Library, Heybridge Plantation Hall, and the Maldon District Council offices.

2.2.2 Consultation events were held at Heybridge Plantation Hall, Burnham on Crouch Town Council, and Maldon Library. The Council requested that responses to the consultation were provided by completing the consultation questionnaire, which included six questions outlined in the table below.

2.2.3 The Council received 41 consultation representations. The full representations are available on the Council's I Drive and on the Council's website. **APPENDIX 1** provides a summary of each consultation representation received. The results of the yes or no questionnaire questions are outlined in the table below.

Question		Numbers of responses
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	4
	No	20
2. Do you believe the evidence on viability is correct? If not, please set out alternative evidence to support your view	Yes	6
	No	20
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	5
	No	17
4. Do you think the Council should introduce an instalments policy?	Yes	19
	No	6
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	20
	No	6
6. Do you have any other comments on the Preliminary Draft Charging Schedule or supporting evidence?	Yes	17
	No	8

*Please note that not all consultation representations answered every question, therefore the number of responses to consultation questions will not match the total number of representations received.

2.2.4 Issues which have been raised through consultation responses include concerns regarding:

- Infrastructure provision, and the ability of CIL to raise sufficient funds to pay for required infrastructure;
- Variations in CIL rates, some representations requesting higher and lower CIL rates for different types of development;
- The timing of when CIL rates should be paid by developers. There was strong support for the inclusion of an instalments policy;
- Who, if anyone, should be provided discretionary relief from CIL. There was support for providing discretionary relief generally for development related to charities, and also for development that would be rendered economically unviable through the imposition of CIL rates;

- The governance arrangements for CIL, and which organisations should be involved in considering how CIL funds should be used;
- Increasing the portion of CIL provided to parish and town council's in the District, irrespective of whether a neighbourhood plan has been produced;
- The definitions of development types which will be charged CIL rates;
- The impact of CIL rates on the economic viability of development in the District, and the ability of some development sites to support CIL rates and levels of affordable housing proposed in the LDP;
- Details of the assessments made within the CIL and Local Plan Viability Study (August 2013) and Post-Consultation Update (November 2013);
- The proposed section 106 pooling arrangements for strategic sites within the Garden Suburbs and Strategic Allocations in the LDP, as outlined in Policy I1 of the LDP and within the Infrastructure Delivery Plan Update (IDP) (December 2013);
- Requested alterations to the Draft Regulation 123 list within the IDP, and the need for clarification of projects which will be funded through CIL or section 106 contributions;
- Clarification of how the imposition of CIL rates has been tested on the economic viability of development;

2.3 Next steps in the consideration of the consultation representations and the production of the Draft CIL Charging Schedule

- 2.3.1 **APPENDIX 1** provides a summary of all CIL PDCS consultation representations. All consultation comments regarding the detailed viability of development in relation to the imposition of CIL rates, particularly the impact of both CIL rates and policy requirements in the LDP, and comments specifically on the contents of the CIL and Local Plan Viability Study, have been provided to the Council's viability consultant HDH Planning and Development. HDH will review all relevant comments, which will inform the production of the Draft CIL Charging Schedule.
- 2.3.2 All consultation comments regarding the production and content of the Draft Charging Schedule, the IDP, proposed section 106 pooling arrangements, the Draft Regulation 123 list, and the Council's approach to governing the use of CIL funds, will be shared with Peter Brett Associates (PBA), who provide the Council with support in relation to CIL and the IDP. PBA will review all relevant comments, and provide the Council with recommendations and proposed changes to the Charging Schedule.
- 2.3.3 The Planning Policy Team will review all other consultation comments. Following the review of all consultation comments, the Draft CIL Charging Schedule consultation document will be produced.
- 2.3.4 The recommendations provided by HDH and PBA, proposed changes to the CIL Charging Schedule, and the proposed Draft CIL Charging Schedule consultation document, will be presented to the Planning and Licensing Committee in due course.

3. IMPACT ON CORPORATE GOALS

3.1 A Maldon District CIL Charging Schedule has the potential to support the following corporate goals which underpin the Council's vision for the District:

- Enabling, supporting and empowering communities to be safe, active and healthy;
- Protecting and shaping the District and balancing the future needs of the community; and
- Meeting the housing needs of the District.

4. IMPLICATIONS

- (i) **Impact on Customers** - The adoption of a CIL Charging Schedule for the District would provide Maldon District Council and parish / town councils with greater certainty over the amount of financial contributions which can be gained from new development. Areas allocated for a specific level of growth through the LDP may therefore be able to forward plan for financial assistance towards the provision of new or improved infrastructure.

The production of a CIL Charging Schedule would provide customers with knowledge of the Council's priorities for the delivery of infrastructure across the District.

CIL provides the opportunity for the District Council to have greater influence over the use of infrastructure funds, and to prioritise funds where customers consider that it is most needed as appropriate.

- (ii) **Impact on Equalities** – CIL is designed to make the process of obtaining planning obligations fairer, faster, and more transparent.
- (iii) **Impact on Risk** – The production of a Maldon District CIL Charging Schedule could take resources within the Council's Planning Policy Team away from the production of the LDP and other policy documentation.
- (iv) **Impact on Resources (financial)** – The production of a Maldon District CIL Charging Schedule requires further consultation and examination which will be financed by Maldon District Council.

As the charging authority, the Council will be required to administer the collection, management, and distribution of CIL payments.

The production of a Maldon District CIL Charging Schedule requires a large amount of officer time to produce the evidence base, consultation documents, reviewing consultation responses, and participation in an examination.

- (v) **Impact on Resources (human)** – None identified.

- (vi) **Impact on the Environment** – CIL provides the opportunity for the District to obtain a greater amount of contributions towards new and improved infrastructure in the District.

5. CONCLUSIONS

- 5.1 The Council has received 41 representations on the CIL Preliminary Draft Charging Schedule consultation, which are summarised in **APPENDIX 1**. Following a full review of the consultation responses by the Maldon District Council Planning Policy Team, Peter Brett Associates, and HDH Planning and Development, recommendations on changes to the CIL Charging Schedule, and the Draft CIL Charging Schedule consultation document, will be presented to the Planning and Licensing Committee in due course.

6. RECOMMENDATION

- 6.1 That the responses received to the Maldon District Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule consultation, and the next steps in the consideration of the consultation responses and the production of the Charging Schedule, be noted.

Background Papers:

The Maldon District Preliminary Draft Charging Schedule (January 2014)

The Community Infrastructure Levy Regulations (2010, 2013 amendments, and 2014 amendments)

Community Infrastructure Levy Guidance (DCLG, 2013)

National Planning Policy Framework (DCLG, 2012)

Infrastructure Delivery Plan Update (MDC / PBA, 2013)

Local Plan and CIL Viability Study (HDH Planning and Development, August 2013)

Local Plan and CIL Viability Study – Post Consultation Update (HDH Planning and Development, November 2013)

Pre-Submission Local Development Plan (MDC, January 2013)

Enquiries to: Tim Parton, Planning Policy Officer, (Tel: 01621 876203).

Maldon District CIL Preliminary Draft Charging Schedule
Summary of consultation responses

Ref no.	PDCS001
Qu 1	Concern that CIL revenue will support significant road / bridge improvements. Concern that CIL revenue will not significantly contribute to the CIL funding gap.
Qu 2	
Qu 3	
Qu 4	
Qu 5	Concern that the Regulation 123 list does not sufficiently consider old bridges, and flooding problems at Blue Mills and Langford Bridges.
Qu 6	

Ref no.	PDCS002
Qu 1	Developer should not be required to pay a levy. MDC should not be encouraging new development in the District.
Qu 2	Development on a floodplain is not inappropriate.
Qu 3	There is not an appropriate balance as I do not agree with the LDP
Qu 4	Council should not impose a levy
Qu 5	There will be no charitable development, just housing developers
Qu 6	Object to new development outside the existing urban area

Ref no.	PDCS003																																				
Qu 1																																					
Qu 2																																					
Qu 3	<p>Estimated charge will be £1,200 on small house, £35,000 on small mansion. Concern that the small house charge is too low, and large is too high. Concern that housing stock will then be predominantly small houses.</p> <p>Recommended rates are as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Size</th> <th>CIL rate</th> </tr> </thead> <tbody> <tr> <td>1 bed</td> <td>Less than 90sqm</td> <td>£1,000</td> </tr> <tr> <td>1 bed</td> <td>90-150sqm</td> <td>£1,500</td> </tr> <tr> <td>2 bed</td> <td>Less than 150sqm</td> <td>£1,800</td> </tr> <tr> <td>2 bed</td> <td>150-250sqm</td> <td>£2,500</td> </tr> <tr> <td>3 bed</td> <td>250-300sqm</td> <td>£3,000</td> </tr> <tr> <td>3 bed</td> <td>300-400sqm</td> <td>£3,500</td> </tr> <tr> <td>4 bed</td> <td>300-450sqm</td> <td>£4,000</td> </tr> <tr> <td>4 bed</td> <td>More than 450sqm</td> <td>£5,000</td> </tr> <tr> <td>5 bed</td> <td>More than 550sqm</td> <td>£6,000</td> </tr> <tr> <td>5 bed</td> <td>600sqm</td> <td>£7,000</td> </tr> <tr> <td>6 or more bed</td> <td>600sqm or more</td> <td>£10,000 – max limit</td> </tr> </tbody> </table> <p>Benefits of above proposed rates:</p> <ul style="list-style-type: none"> - Increased income to Council - Greater choice - Avoid 'cramming' of bedrooms into smaller properties - More affordable costs to developers <p>New houses should also help pay for infrastructure which already exists</p>	Dwelling type	Size	CIL rate	1 bed	Less than 90sqm	£1,000	1 bed	90-150sqm	£1,500	2 bed	Less than 150sqm	£1,800	2 bed	150-250sqm	£2,500	3 bed	250-300sqm	£3,000	3 bed	300-400sqm	£3,500	4 bed	300-450sqm	£4,000	4 bed	More than 450sqm	£5,000	5 bed	More than 550sqm	£6,000	5 bed	600sqm	£7,000	6 or more bed	600sqm or more	£10,000 – max limit
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Qu 4	No, only by building zone
Qu 5	No, charities have enough breaks
Qu 6	The principle of 'buying in' to existing infrastructure is important

Ref no.	PDCS004
Qu 1	
Qu 2	
Qu 3	Unable to judge – insufficient data
Qu 4	
Qu 5	
Qu 6	A timing plan for the collection and spending of CIL should be produced to manage the delivery of infrastructure alongside the delivery of growth. The timing plan should outline when CIL will be collected and used to support growth.

Ref no.	PDCS005
Qu 1	
Qu 2	
Qu 3	
Qu 4	
Qu 5	
Qu 6	<p>Section 2.3 (What development will be liable for CIL) in the CIL PDCS consultation document is considered to be vague and open to misinterpretation.</p> <p>The CIL PDCS consultation document is considered confusing, as section 2.3 states that 'all buildings that people normally use' are liable for CIL, however the charging schedule identifies buildings which people normally use which will not be required to pay CIL. This requires clarification.</p> <p>The CIL PDCS should confirm that sport and recreation building/uses should not be liable to pay CIL.</p> <p>The inclusion of sports facilities in the IDP, CIL Regulation 123 list, and pooled section 106 planning obligations is welcomed and justified.</p> <p>The Council should seek to prioritise the delivery of sports facility projects within the IDP and Regulation 123 lists. The next review of the Regulation 123 list should therefore identify sports facility projects which have been prioritised for delivery.</p>

Ref no.	PDCS006
Qu 1	
Qu 2	
Qu 3	
Qu 4	
Qu 5	
Qu 6	<p>It is essential that green infrastructure needs should be identified through the CIL process.</p> <p>Natural England is pleased to see reference to open space needs in paragraph 1.2 of the consultation document.</p>

Ref no.	PDCS007
Qu 1	
Qu 2	
Qu 3	
Qu 4	
Qu 5	
Qu 6	The Marine Management Organisation has no comment.

Ref no.	PDCS008
Qu 1	In relation to the 'Extra Care' charge in the CIL PDCS, this should not include development with on-site care provided through carers employed by the development and for the exclusive use of the housing development (rather than contracted or domiciliary care agencies).
Qu 2	In relation to pages 43 and 44, and tables 5.1 of the Local Plan and CIL Viability Study (August 2013), it is considered that the average price of extracare property in the District is correct, however the price given for the purchase of extracare (identified as £275,000 for a 2 bed extracare property in table 5.1) is too high. In reality the sale price is lower, and therefore the ability of extracare developments to viably pay CIL is in doubt.
Qu 3	I am the director of a care home which is currently building 8 two bedroom extracare bungalows within the grounds of a care home, which will be marketed for £200,000 leasehold per property. The price allows the average over 55 year old householder to sell a property and have remaining savings for care as required. The higher price of £275,000 (identified in table 5.1 of the Viability Study) would render the purchase of an extracare property and care package unaffordable for the average householder. The proposed CIL PDCS rates would create an additional cost for the aforementioned development of £85,000, which would render the scheme undeliverable.
Qu 4	
Qu 5	
Qu 6	

Ref no.	PDCS009
Qu 1	Essex County Council (ECC) would not wish to 'second guess' the viability work which has been produced to support the production of the CIL PDCS rates. ECC therefore support the rates proposed in the PDCS.
Qu 2	
Qu 3	
Qu 4	The introduction of an instalments policy which allows for a smaller number of larger instalments to be made to the charging authority may be beneficial as it should help to keep down monitoring and administration costs
Qu 5	No comment
Qu 6	ECC has proposed the following governance arrangements to be developed to manage CIL funds across interested organisations: Governance in two tiers should be developed - an Advisory Group (service officers) and a Decision Making Group (senior officers and Members) with the following principles: - <ul style="list-style-type: none"> - No organisation to have an absolute voting majority, e.g. Maldon 4, ECC 2, Health 1, Police 1 & Environment Agency 1. - An impartial (non-voting) chair – The proposed governance structure comprises:

	<p>(i) A Decision Making group consisting of a Member and a very senior officer from each Authority,;</p> <p>(ii) An Advisory officer only level group sitting beneath the Decision Making group.</p> <p>The composition of these bodies would include ECC services involved in infrastructure. Both these bodies would meet at least twice a year and the advisory group would put forward a proposal for what items of infrastructure could and should be delivered over the next period.</p> <p>One possibility for consideration would be that the main ECC services likely to receive CIL (Schools and Highways and Transportation) would have a more or less permanent representative on these bodies, with other ECC services being invited to attend when these bodies were considering proposals particularly relevant to their own services (e.g. Libraries would attend if consideration was being given at the meeting to the use of CIL funds for a new or extended library in the District).</p>
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Ref no.	PDCS010
Qu 1	No comments
Qu 2	
Qu 3	
Qu 4	
Qu 5	
Qu 6	<p>Maldon Town Council (MTC) are concerned by the 'inherent inequality in the distribution of CIL to the parishes.</p> <p>MTC does not believe there are any benefits to the town of producing a neighbourhood plan, and feel that the provision of policies for the town in the LDP is appropriate. However, MTC are being penalised for not producing a neighbourhood plan by receiving only 15% of CIL revenue.</p> <p>MTC suggest that parishes should have greater influence in the raising and management of CIL funds, and should therefore benefit from up to 50% of CIL revenue.</p>

Ref no.	PDCS011
Qu 1	
Qu 2	
Qu 3	The Theatre Trust supports the setting of a nil rate for 'All other development' as D1, D2, and sui generis uses (e.g. theatres) often do not generate sufficient income streams to cover their costs, often requiring subsidies.
Qu 4	
Qu 5	
Qu 6	

Ref no.	PDCS012
Qu 1	<p>The viability evidence on commercial development within the Local Plan and CIL Viability Study is considered to be 'scant', and Aquila Maldon Ltd are disappointed that they were not invited to stakeholder workshops which have taken place to inform the production of the Viability Study.</p> <p>The Local Plan and CIL Viability Study does not include the Causeway area of Maldon,</p>

	<p>and therefore has not satisfied Regulation 27 requiring an ‘appropriate range of types of sites’ to be sampled.</p> <p>The scope for setting differential CIL rates for commercial uses has not been satisfactorily examined within the Viability Study.</p> <p>The appraisal within Appendix 9 of the Viability Study does not support CIL charging for retail warehouse development on brownfield sites, where the ‘additional profit’ level of £41psm does not provide a sensible viability buffer. On this basis, development on brownfield and greenfield sites should be subject to a differential rate.</p>
Qu 2	<p>The absence of local transactional information within the Viability Study is a significant constraint, and we do not believe the comparables used properly reflect the characteristics of what is a small catchment area.</p> <p>Neighbouring CIL rates should represent a material factor in rate setting. Chelmsford City Council is close to adopting its CIL charging schedule following examination, which includes appreciably lower rates for non-food retail and zero rating for hotels. Caution should be considered in relation to these uses, which are relatively footloose investments which could easily be lost to competing centres. Proposed rates included within initial CIL PDCS consultation in nearby Castle Point District are much lower for both non-food and hotels.</p>
Qu 3	<p>The CIL rates are not consistent with LDP Policy S5, where the Plan is seeking to secure regeneration within the Causeway Regeneration Area through mixed use schemes. The inclusion of CIL rates in the Causeway Regeneration Area could prejudice the delivery of regeneration as required in LDP Policy S5.</p>
Qu 4	No comment
Qu 5	<p>Yes, 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.</p>
Qu 6	No comment

Ref no.	PDCS013
Qu 1	
Qu 2	
Qu 3	
Qu 4	
Qu 5	
Qu 6	<p>Concern has been raised that the residential category covers all residential development. There are a number of situations where new rural dwellings are required to accommodate those employed in agriculture, horticulture and forestry. Such properties are not sold for development gain and so the charge would simply be an additional cost of construction and is likely to render many such projects unviable.</p> <p>As these properties are crucial to the operation of rural businesses and sustainable rural communities, we ask that they be considered separately, based on a suitable viability assessment.</p> <p>To provide greater clarity (rather than being included as part of the ‘All other</p>

	development' category, agricultural, horticultural, and forestry development should be specifically identified within the CIL PDCS rates as a separate category, and allocated a zero charge.
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Ref no.	PDCS014
Qu 1	Due to the massive shortfall in funding for infrastructure, the Council should be seeking to raise more money through CIL. In comparison, draft rates in Colchester Borough Council are £120 per sqm for residential development.
Qu 2	Concern about the impact of the proposed Heybridge relief road on surrounding roads, and concern about the impact of LDP growth on key highways routes across the District. To improve viability, it is recommended that a link road to connecting Maldon and Heybridge to the A12 at Witham should be developed.
Qu 3	The Council should seek to raise more infrastructure funding through CIL by proposing higher rates.
Qu 4	Interest payments should be included within an instalment policy.
Qu 5	
Qu 6	

Ref no.	PDCS015
Qu 1	No comment
Qu 2	
Qu 3	
Qu 4	
Qu 5	
Qu 6	

Ref no.	PDCS016
Qu 1	<p>There appears to be uncertainty that infrastructure required to support growth in the LDP is financially viable and deliverable. The diversion of CIL revenue to parish / town councils could increase this uncertainty, where there would be reduced funds for the District Council to fund strategic infrastructure.</p> <p>Alternative rates should be considered which would provide more funding for infrastructure, and could therefore assist the viability of the LDP at examination by providing greater certainty on the deliverability of strategic infrastructure.</p>
Qu 2	There appears to be inadequate evidence, or in some cases a current lack of evidence, rather than incorrect evidence.
Qu 3	<p>Given the restrictions and difficulties of using section contributions to funding infrastructure, the level of CIL required to support infrastructure is going to be substantial. However the ability of development sites to viably pay CIL varies on a site by site basis.</p> <p><u>Residential</u> The CIL rate should be aligned to Council corporate priorities. To deliver a higher proportion of smaller dwellings a lower CIL rate should be applied, and to reduce the proportion of larger dwellings a higher CIL rate should be applied.</p> <p>In comparison to Maldon District, proposed residential CIL rates in Chelmsford CC and Colchester BC are much higher.</p>

	<p><u>Sheltered housing</u> It is counterproductive to set a charge of £150 per sqm for sheltered housing. Need for sheltered housing is likely to increase in the future, and there is no evidence that sheltered housing places a larger demand on infrastructure than a 5 bedroom house (which would only pay £70 per sqm).</p> <p><u>Extra care housing</u> The proposed CIL PDCS rate of £150 per sqm would not encourage provision of this category of accommodation, which is in short supply and will be in greater demand in the future.</p> <p>Extra care housing needs to be better defined within the CIL charging schedule, as it is unclear exactly what type of development should be included. The charging schedule should also clearly state that almshouse or other charitable housing provision will not be liable to CIL charges.</p> <p><u>Nursing or Residential Care Home adjunct housing</u> Concern has been raised that specialised extra care residential units being developed as part of a residential care home would become unviable with the imposition of a CIL charge. It is therefore recommended that specialised extra care residential units should be £0 rated.</p>
Qu 4	Instalment policy would be inadvisable given the short timescale of the planned growth and the need for infrastructure to be delivered.
Qu 5	<p>Exceptional circumstances could be employed to support extra care or specialist housing schemes by developers which are not 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 subsidizing the latter.</p> <p>Where the use of development itself has no charitable content and there is a return from investment, relief from CIL rates should not be applied.</p>
Qu 6	<p>The charge of £150 per sqm for supermarkets seems disproportionately and unnecessarily low in comparison to other areas.</p> <p>Clarification should be provided in the charging schedule of what is meant by the term supermarkets and retail warehouses. It is unclear if smaller size shops which are not reliant on volume buying by car users should pay a CIL rate.</p>

Ref no.	PDCS017
Qu 1	
Qu 2	
Qu 3	
Qu 4	
Qu 5	<p>The Council should 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.</p> <p>CIL rates should not discourage schemes being brought forward for the reuse of heritage buildings and heritage-led regeneration. For schemes that involve or affect other heritage assets, it may be necessary to provide a lower rate of CIL or consider an</p>

	<p>exemption from CIL.</p> <p>English Heritage recommends that discretionary relief could be applied to heritage assets, and suggests 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>
Qu 6	<p>Some projects within the Regulation 123 list will be likely to have an impact on the historic environment.</p> <p>It is hoped that some expenditure of CIL receipts by Maldon District Council, and relevant parish / town councils will be used to benefit the historic environment.</p>

Ref no.	PDCS018
Qu 1	<p>The provision of a zero CIL rate for site S2(e) North of Holloway Road is supported, however the evidence base supporting the Local Plan and CIL Viability Study is not supported. Strutt and Parker will be commissioning an independent viability report to support this view at examination.</p>
Qu 2	<p>The viability study is not considered to be justified, effective or consistent with national policy. Strutt and Parker will be commissioning an independent viability report to support this view at examination.</p> <p>It is considered that the scale of obligations and policy burdens placed on site S2(e) threatens the ability of the site to be developed. No objection is raised with regard to the proposed Section106 costs of £26,556 per dwelling, provided that a proportionate approach is taken to affordable housing and sustainability matters.</p> <p>Concerns are raised on the Viability Study in relation to the following:</p> <ul style="list-style-type: none"> • The Viability Study assessed the site as having an area of 3.8 hectares. Following the removal of flood zone 2 and 3 land and an easement from the developable area, the size of site appropriate for development is just over 3 hectares. • The Viability Study considers an onsite density of 40 dwellings per hectare. This is considered unreasonably high given the 'garden suburb' principles which the Council is seeking to achieve. • The site has a capacity for 95 dwellings, not 100 dwellings as indicated in the Viability Study. • The Viability Study does not account for abnormal costs, such as specific ground conditions or level changes. • The Viability Study considers development at Code for Sustainable Homes Level 3, however the Pre-Submission LDP requires a minimum of level 4 to be achieved.
Qu 3	<p>The proposed CIL charging of nil for Heybridge North is supported. It is also helpful that the costs related to Section106 contributions have been clearly outlined by the Council. The proposed level of affordable housing and Code Level/Sustainability Requirements is not supported for reasons set out in answer to question 2 of this consultation and within our response to policy H1 and D2 of the Local Plan Consultation.</p>

Qu 4	
Qu 5	
Qu 6	

Ref no.	PDCS019
Qu 1	<p>The rates are suitably informed by the work undertaken for the updated Viability Study but only up to a point, as they do not cover other inevitable costs, as set out below:</p> <p><u>Highways considerations</u></p> <p>The IDP and Viability Study does not sufficiently consider the following costs as part of road cost estimates:</p> <ul style="list-style-type: none"> • Land acquisition costs – a notional 5% should be budgeted • ECC commissioning and administration fees – usually an 8% capital cost • Drainage attenuation – allowance of 3-5% of • Geotechnical requirements • Utility diversions – usually an allowance of 10%-20% would be allocated to the capital costs • On-costs – usually an 11%-13% uplift • Ground conditions could add another 2% to the cost • The costs are based upon 2013 prices, and are therefore not representative of how the costs could escalate over the plan period. In the 18 year period from 1995 the ROADCON tender price index has risen from the base 100 (1995 figure) to 195 in the 1/3rd quarter of 2013. In the latest BIS bulletin it is quoted that ‘the BIS Tender Price Index of Road Construction (ROADCON) 3rd Quarter 2013 increased by 1.0% on the previous quarter and by 8.9% year-on-year. <p>Therefore the current £22.6m estimate for road construction costs in relation to the LDP is likely to be a figure between £26.7m and £27.1m as a minimum, excluding inflation.</p> <p><u>Sewerage and Flooding considerations</u></p> <p>The IDP includes the capital costs of sewerage schemes rather than the amount that would be paid by the developer. In reality, the developer would only be expected to contribute between 30%-60% of the capital costs. The sewerage costs taken forward in the IDP are therefore significantly overstated.</p> <p>Paragraph 7.19 of the Viability Study does not sufficiently explain why there is a difference in costs between the Anglian Water estimate and a developer estimate. The Viability Study should provide further explanatory information.</p> <p><u>Flooding</u></p> <p>There is no publically available justification for the cost of flood alleviation works of £8.7m. Due to this uncertainty, a more sustainable solution would be the allocation of Land East of Broad Street Green, which could provide a scheme that could reduce peak flood flows in the affected catchment by 76% for a capital cost in the region of £3.5m.</p>
Qu 2	Sewerage and flood alleviation costs are unnecessarily high.

	<p>Estimate flood alleviation scheme costs based on a similar scheme in South East England are in the region of £3,4m, providing a saving of £5.3m.</p> <p>Concern is raised that the Council’s approach to pooling S106 funding does not comply with the CIL Regulations, where pooling is based on a fair and proportional impact. Excluding two sites from CIL based on infrastructure costs is not permissible. It is not considered appropriate that site in South Maldon should pay costs towards the South Maldon relief road, as this infrastructure would be predominantly used by residents of the North Heybridge Garden Suburb. It is therefore considered that North Heybridge strategic sites should pay full costs of the South Maldon relief road, and pay CIL.</p> <p>Concern raised on the viability of the South Maldon sites to bear currently proposed infrastructure costs,</p> <p>A higher CIL rate is proposed, in the region of £140-150 per sqm for residential, to pay for highways costs through CIL instead of pooled S106.</p> <p>The calculation of how an estimated £12.6m of CIL revenue have been derived have not been published, this therefore require more clarity.</p> <p>The ability of sites S2(d) and S2(e) to deliver required infrastructure without subsidy is questionable. The allocation of more development sites in North Heybridge could reduce infrastructure costs payable by each developer by around £3,000 per dwelling, therefore making the development sites more viable.</p> <p>There is a contradiction and inconsistency in the PDCS consultation document relating to the effective ‘exceptional circumstances’ being given to Strategic Sites S2(d) and S2(e) on grounds of economic viability, yet the consultation document states in paragraph 2.5.3 that it does not propose to make discretionary relief available. This is misleading.</p>
Qu 3	Rates are considered reasonable, provided pooled s106 contributions are provided. Higher CIL rate could deter people from building.
Qu 4	In terms of highway infrastructure delivery, phased development is logical given the impacts of traffic on the highway network would not be immediate and would progressively increase to accord with the measured build rate over the plan period.
Qu 5	There is a contradiction and inconsistency in the PDCS consultation document relating to the effective ‘exceptional circumstances’ being given to Strategic Sites S2(d) and S2(e) on grounds of economic viability, yet the consultation document states in paragraph 2.5.3 that it does not propose to make discretionary relief available. This is misleading.
Qu 6	To provide greater economies of scale, either CIL levies need to be increased or more housing needs to be located to the north of Maldon.

Ref no.	PDCS020
Qu 1	<p>Concerns raised on the reliability of the evidence used in the Local Plan and CIL Viability Study.</p> <p>It is apparent that in seeking to introduce a CIL charge the Council have had insufficient ‘regard’ to the expected costs of infrastructure (and, in particular, have failed to assess what represent ‘essential’ items of infrastructure necessary to enable planned development) and to the impact of the proposed CIL rates in conjunction with</p>
Qu 2	

	<p>other cost burdens upon the economic viability of development.</p> <p>The economic appraisals within the Viability Study are based on artificially low 'benchmark' land values.</p> <p>The assumptions made in the Council's viability evidence base regarding what will incentivise a willing landowner are unrealistic and spurious. It is therefore likely that sites will be prevented from being released within the timescales assumed by the Council in the LDP.</p> <p>Concern regarding the viability of sites within the South Maldon Garden Suburb to provide required infrastructure and policy burdens (affordable housing policy H1) in the LDP. It is recommended that the site can only be viably delivered at 20%, however it will still be impossible to address through developer contributions / CIL alone.</p>
<p>Qu 3</p>	<p>Concern regarding the viability of development in Maldon District given that essential infrastructure items have not been identified / prioritised and the full costs of infrastructure have not been assessed. Even with significantly reduced affordable housing contributions the full extent of these essential infrastructure items will be impossible to address through developer contributions / CIL payments alone.</p> <p>The draft CIL PDCS is not considered to be justified, effective or consistent with national guidance, or in accordance with statutory regulation.</p>
<p>Qu 4</p>	<p>The Council should introduce an instalments policy to ensure a spread of costs for the phased delivery of the Garden Suburbs and Strategic Allocations, based on the size of each phase of each development.</p>
<p>Qu 5</p>	<p>The Council should introduce discretionary relief from CIL.</p>
<p>Qu 6</p>	<p>The CIL Charging Schedule should also take into account the efficacy of cost sharing amongst the promoters. For example, Essex Highways traffic modelling demonstrates that the SMGS & NHGS are expected to have similar percentage traffic impacts on the South Maldon Relief Road and very different impacts on the North Heybridge Relief Road, but the cost apportionment in the Pooled S106 (IDP Tables 21, 23 & 24) does not reflect this evidence at all.</p>
<p>Attached additional information</p>	<p><u>Infrastructure and Viability Evidence Base Review – Pioneer Property Services</u></p> <p>As the Viability Study was published in November 2013, and the IDP Update in December 2013, the report questions whether the Council's viability evidence base fully explores the deliverability of the LDP.</p> <p>The IDP does not fully consider distribution of growth allocated in the Pre-Submission LDP. This has not allowed the Council to 'strike an appropriate balance' between the level of funding to be sought through CIL and the potential impact on the economic viability of development in the area.</p> <p>Concern that the final infrastructure costs and fully requirements are not yet known for the South Maldon Garden Suburb. Therefore, the impact on the economic viability of the site based on 40% affordable housing and section 106 contributions.</p> <p>Based on scenario 1 and scenario 2 in the IDP, the sites within the South Maldon</p>

Garden Suburb are required to provide the same level of infrastructure, even though the number of dwellings on the site has declined within scenario 2.

The IDP Update, which should be prepared to inform both draft Local Plan policies as well as CIL rate setting, does not appear to robustly review the level of planning obligations achieved historically. This is of significant concern particularly with regards to affordable housing delivery.

Based on evidence of previous delivery of affordable housing in the District since 2010, it is considered that the delivery of 40% affordable housing without grant funding would be 'extremely unlikely to be achievable in the foreseeable future, and certainly within the early part of the plan'.

Viability evidence

It is unclear that the Council's evidence base is of sufficient detail and accuracy to support the amendment to the housing numbers in the South Maldon Garden Suburb applied to the Pre-Submission LDP - it would appear that significant additional work should be undertaken to assess the impact on the infrastructure requirements associated with the strategic sites in question, the costs of these requirements, and how this affects scheme viability.

A £2,900 per square metre open market value is applied in respect of the Maldon strategic sites, and this is described as a revised position (up from £2,600 per square metre) on the basis of consultation feedback. However, it is unclear whether the majority of those consulted (including landowners) considered this to be the position, and whether it is appropriate for the Viability Study Update (VS Update) to apply the higher values ignoring its own range evidence and surveys which suggest a lower value.

The VS Update confirms that to reflect draft LDP Policy H1 'Affordable Housing' it assumes that all rented housing is provided for Affordable Rent at 80% of local market rents. However, when considering the likely revenues that may flow from an Affordable Rent dwelling it is unclear that the VS Update revenues reflect the fairly prescriptive approach to affordability and rent setting for this tenure set out within the Maldon District Tenancy Strategy (to which Registered Providers should have regard) published in October 2012.

The VS assumes that developers will achieve 70% of open market values for Intermediate Sale products. The evidential basis for this is acknowledged to be scant. The VS does not suggest that it has based the 70% conclusion on information provided by Registered Providers operating in the area – additional work should be undertaken (such as contacting Registered Providers) to ensure an accurate assumption is being applied. The accuracy of this assumption is of particular importance given that the VS assumes a 30% Intermediate tenure split proportion in its baseline modelling, and thus will have a significant impact on the revenues in the VS appraisals and the viability outputs.

As CIL is being consulted upon, it is currently uncertain if the Council will be introducing an instalment approach to CIL payments. Clearly this matter has implications for any modelling of the likely impact of CIL charges upon scheme viability

and the approach to be taken should be determined ahead of viability testing.

The VS Update states that the VS assumed a s106 contribution per dwelling of £2,500 apparently on the basis of the Council's 'past record in collecting s106 contributions'. The VS Update reduces this assumption to £1,000 per dwelling when modelling the 'effect of CIL on viability' (see paragraph 7.14 of the Viability Study). However, it is not clarified that this is agreed with Stakeholders as being realistic and the background data informing the conclusions on past contributions and the apparently arbitrary reduction from £2,500 to £1,000 per dwelling is not presented in the VS, the VS Update or the IDP Update. It is therefore unclear that this assumption has been robustly tested.

In Chapter 7 the VS Update states that it reduces costs assumed in its modelling for environmental standards from 6% (as in the VS) to 2% over and above BCIS. It appears to suggest that this reduction is on the basis that schemes will comply with 2013 Building Regulations which 'have more modest cost implications' as a result of seeking 'a significantly lower degree of improvement compared to the 2006 Code trajectory'.

The VS Update refers to the recent Housing Standards Review consultation ("HSR") and the possibility of the non-energy efficiency elements of the Code for Sustainable Homes being 'shelved'. Where costs are assumed on such a basis it is reasonable to expect that policies should not be introduced requiring schemes to achieve environmental standards in excess of those tested (i.e. the 2013 Building Regulations).

However, draft Local Plan Policy D2 is noted by the VS Update at page 33 to require all new residential homes to be constructed to achieve Code for Sustainable Homes Level 4 – as such it is not clear that the VS Update environmental cost assumptions adequately reflect the costs associated with course the Council intend to take through draft Policy D2, or vice versa.

It is of significant concern that a 2% allowance is being applied in the VS Update, despite acknowledging that the Council will seek Code for Sustainable Homes Level 4 – the costs associated with achieving these standards range beyond the energy element of the updated Building Regulations and the HDH 2% allowance is not demonstrated to reflect the full costs associated with these matters as experienced in the real world.

Referring to preferences expressed by the Council requiring that Registered Providers ensure that 15% of all new affordable housing is provided as 'older peoples' homes'. The VS Update assumes that this will add nil additional costs to the scheme on the basis that Lifetime Homes Standard costs are already accounted for in the VS Update response to draft LDP Policy D2, and that the restriction of the dwellings to older people will not necessitate any additional standards over and above Lifetime Homes to be applied.

However, this fails to assess whether or not the enforcement of this occupation restriction will result in any decrease in the revenues payable by Registered Providers. The approach also fails to reflect that whilst draft LDP Policy D2 seeks all new homes to be built to Code for Sustainable Homes Level 4, this does not impose a mandatory Lifetime Homes Standards requirement, and it is unclear that the BCIS +2% assumption applied by the VS Update reflects the full costs associated with constructing to Code for Sustainable Homes Level 4 or Lifetime Homes Standards.

The VS Update acknowledges in respect of affordable housing that ‘the particular need is for 1 bedroom units’. The VS Update does not test a specific affordable housing mix but applies an approach that makes the broad assumption of an average 80m² floor-area per affordable dwelling. It is unclear that the VS Update modelling fully reflects the requirement within proposed Policy S4 of the Pre-Submission Local Plan, which seeks ‘a significant proportion’ of dwellings in a tenure and form ‘appropriate for meeting the housing needs of an older population’. A mix of housing sought by the Council that results in alternative floor areas to those modelled in the VS Update will result in different cost / revenue assumptions.

Land Value Benchmark

The land value viability thresholds (against which modelled Residual Land Values are compared) within the VS Update are based on those derived in Chapter 6 of the VS. In Chapter 10 the VS (and the VS Update) assume a gross £330,000 viability threshold per hectare for all of the strategic sites. This is derived by taking a £25,000 per hectare agricultural land value, uplifting it by 20% to £30,000 and then adding a premium of £300,000. However, it is unclear that this accurately reflects the values that will be necessary if ‘willing’ land owners are to be incentivised to release land for housing development.

Instead of making the real-world assumption that a land owner will wish to maximise their return as a function of the proposed end use of the site and to secure as large a proportion of gross development value as possible the VS Update and earlier VS proceed on the false premise that a ‘premium’ over existing use will be sufficient thus enabling them to determine the level of the premium with the over-arching objective that land values must be driven down to accommodate CIL charges and the other obligations sought.

Such self-satisfying and circular logic allows the VS Update and earlier VS to dictate what such a premium will be irrespective of the value of the development on the land or the location of such land and, thus, it is inevitable that their determination of viability is an artificial exercise and it cannot be said that it will, as recommended by the Local Housing Delivery Group:-

“...provide high level assurance that the policies within the plan are set in a way that is compatible with the likely economic viability of development needed to deliver the plan.”

To suggest that land owners will calculate the value of an asset with reference to its current use rather than its contribution to potential development value is self-evidently naïve and completely undermines the analysis in the VS Update and earlier VS. No owner-occupier would sell an individual dwelling on such a basis and the imposition of an arbitrary ‘premium’ as a benchmark value is unlikely to incentivise landowners to willingly release sites.

It is therefore of great concern that the VS Update author believes that a 20% premium above existing use values⁵⁴ will provide a competitive return and comply with the requirements of the NPPF. The benchmark values set out cannot be regarded as representing the views of landowners, assume that landowners will accept land values being driven down to accommodate CIL, and are based on similarly flawed

assumptions made in the earlier VS study.

Furthermore, the VS refers to Valuation Office Agency (“VOA”) bulk land per hectare values for the Norwich and Cambridge areas (£1,600,000 and £2,900,000 per hectare respectively) as at 2011.⁵⁵ The 2011 VOA figures are acknowledged to reflect affordable housing and planning gain costs in line with market expectations for the locality in question.

The VS suggests that the VOA figures reflect the inclusion of Homes and Communities Agency grant funding, which is now extremely limited. The VS suggests a £1,000,000 residential land value per net hectare ‘to be an appropriate assumption’ in Maldon district. However, whilst this clearly exceeds the artificially low land value benchmarks assumed by the VS when appraising Greenfield land, it is not necessarily sufficient to meet landowner expectations / sufficient to provide a competitive return to incentivise and secure the release of land for housing.

However, the VS does not quantify the likely impact on the VOA values of lower grant levels, and equally the VOA Property Market Report does not identify whether or not an element of grant funding is included in the published land values. In addition the VOA values will not reflect the impact of the introduction of the Affordable Rent tenure, so it is unclear that the decrease suggested can reliably be assumed.

Furthermore, any such purported reduction in the VOA residual figures (as a result of reduced grant funding and / or increased affordable housing targets / introduction of CIL) has to be weighed against observations by organisations such as Knight Frank and Savills, where both have reported increases in land values.

Whilst information is not available in the Knight Frank or Savills reports at a District / regional level it is reasonable to suggest that without in depth recent research having been undertaken by the author of the VS it would be inappropriate to assume an arbitrary reduction to the VOA residual residential land valuations to reflect a lack of grant.

Landowners are likely to seek to obtain a residual value in line with wider market expectations where land achieves a residential permission, and the £330,000 per gross hectare land value benchmark (i.e. broadly £550,000 per net hectare) will be insufficient for many.

The VS / VS Update low land value benchmark is not supported by the residual residential land values for the nearest comparable locations suggested by 2011 VOA data⁶³ for permitted Greenfield sites of between £1,600,000 and £2,900,000 per hectare.

Simply i) setting unrealistic targets and relying on site by site viability testing to exhort maximum levels of affordable housing provision, and, ii) concluding that landowners will have to accept reduced land values to reflect the contributions sought by the Council (i.e. to reflect 40% affordable housing and any CIL or s106 contributions) is disingenuous.

Whilst there are some initial signs of an improving economy, cumulative burdens which act to reduce land values and / or returns below levels acceptable to a willing

land owner and a willing developer will continue to impact negatively on overall housing delivery and economic growth contrary to Government objectives.

With this in mind, and in the absence of a robust and thorough review having been undertaken by the VS / VS Update author to determine what is likely to represent an appropriate uplift to incentivise landowners in the area to release land in Maldon District for residential development, it is entirely reasonable to apply a sense check to the outputs of the VS Update by comparing the residual land values modelled in respect of large greenfield sites to the net £1,000,000 per hectare⁶⁴ permitted residual residential land value suggested by the VS⁶⁵ (and which the VS appears to arrive at despite having considered the £1.6 to £2.9 million per hectare VOA residual residential greenfield land value data).

Whilst this net £1,000,000 per hectare represents an increase over the artificially low benchmark applied within the VS /VS Update, is not necessarily sufficient to meet landowner expectations / sufficient to provide a competitive return to incentivise and secure the release of land for housing.

Using information provided on net and gross site areas within Appendix 2 of the Viability Study, it is estimated that the gross per hectare benchmark for the majority of sites is £600,000 per hectare (the calculation for this is included in appendix 1 of the Pioneer Report). Whilst this gross £600,000 per hectare viability threshold represents an increase over the artificially low benchmark applied within the VS /VS Update, is not necessarily sufficient to meet landowner expectations / sufficient to provide a competitive return to incentivise and secure the release of land for housing.

Based on the level of CIL proposed for the South Maldon Garden Suburb, the Limebrook Way Site S2a will be subject to a CIL cost of £100,800 per gross hectare. Where this additional cost is factored in alongside a £600,000 per gross hectare land value threshold it suggests that Site S2a Limebrook Way will be marginal where 20% affordable housing is sought and unviable at 25% (based on tables 10.7 and 10.8 of the Viability Study Update). Indeed, under Scenario 2 the viability of site S2a Limebrook Way would be marginal at 20% affordable housing.

The £600,000 per gross hectare land value threshold is not considered to be sufficient to meet landowner expectations and sufficient to provide a competitive return to incentivise and secure the release of land. Therefore, when reasonable land value expectations and CIL costs are taken into consideration, the South Maldon Strategic sites (S2a, b, and c) viability is under pressure even at 20% affordable housing.

Summary on land value benchmarks

- Landowners are likely to seek a residual land value in line with wider market expectations where land achieves a residential permission. The £330,000 per gross hectare is therefore considered to be insufficient to secure the release of such land.
- Viability decreases further if proposed CIL charges and likely comparable residential land values based on VOA data are taken into account, suggesting that 20% affordable housing is likely to be the maximum level that the Council should seek if an appropriate balance is to be struck between CIL contributions, site specific planning obligations, and economic viability.

	Appendix 2 of the Pioneer Report reviews section 106 pooling arrangements for highways infrastructure in Maldon and Heybridge, and recommends an alternative contributions approach based on the percentage impact of each development. In particular, it is suggested that this approach should be undertaken in relation to the South Maldon relief road, where it is estimated that 49% of South Maldon traffic and 52% of Heybridge traffic would use the proposed road.
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Ref no.	PDCS021
Qu 1	No comments
Qu 2	
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Ref no.	PDCS022
Qu 1	Greater information should be provided in regard to how the viability evidence is used to establish the CIL rates proposed.
Qu 2	It would appear that residential sales prices are higher than expected in parts of the District. It would also be helpful if further information could be provided on retail rents, given the apparent lack of comparable evidence from local transactions.
Qu 3	There is concern that the proposed CIL rates could frustrate the delivery of employment opportunities. Further information which demonstrated the links between the evidence base and the proposed CIL rates would be appreciated.
Qu 4	Such a policy would assist in delivery, which would be naturally welcomed.
Qu 5	
Qu 6	Residential densities used in the Viability Study are too high given current trends in scheme designs. It appears to have been difficult to establish some rates given the lack of comparable evidence. Incentives to bring land forward are perhaps underestimated.

Ref no.	PDCS023
Qu 1	
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Qu 6	It would be useful if the two residential charging zones were shown on an O.S. plan within the actual charging schedule rather than having to cross reference to the LDP. Highways improvements to Eves Corner in Danbury should be included as a pooled S106 requirement for at least strategic sites S2(a) and S2(d) rather than be left for potential CIL funding.

Ref no.	PDCS024
Qu 1	No comments
Qu 2	
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Qu 5	
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Ref no.	PDCS025															
Qu 1	No comment															
Qu 2																
Qu 3																
Qu 4																
Qu 5																
Qu 6	<p>Based on natural growth in the Maldon District, there is a patient list size deficit of -8,365 and a GP floorspace capacity deficit of -796m². A total estimated cost of £3,204,057 is therefore required to bring the GP surgery premises up to a baseline standard suitable to manage natural population growth arising as a result of births, deaths and migration, even before the effects of planned growth are factored in.</p> <p>Based on the level of growth allocated in the LDP, the overall developer-led funding required to mitigate the impacts of increased population growth is £1,452,000.</p> <p>NHS England determines that it would be appropriate to secure necessary healthcare infrastructure and funding principally through CIL as an alternative to planning obligations.</p> <p>The CIL contribution of £1,452,000 required to mitigate the healthcare impacts of the increased population arising from planned growth in Maldon District, equates to a charge of £328 per dwelling. As the CIL Regulations require CIL charges to be set at pounds per square metre, the overall cost is disaggregated by using the average property size of 92m² cited in CLG's <i>"English Housing Survey: Homes 2010"</i> (July 2012).</p> <p>The CIL charge applicable for healthcare infrastructure is therefore set out in the table below.</p> <p>Maldon District Council CIL Charge for Healthcare</p> <table border="1"> <tr> <td>A</td> <td>No. Dwellings Proposed</td> <td>4,430</td> </tr> <tr> <td>B</td> <td>Average Dwelling Size</td> <td>92m²</td> </tr> <tr> <td>C</td> <td>Total Residential Development (A x B)</td> <td>407,560m²</td> </tr> <tr> <td>D</td> <td>Total Developer Contribution Required to Mitigate Healthcare Impacts of Planned Growth</td> <td>£1,452,000</td> </tr> <tr> <td>E</td> <td>Charge per m² (D ÷ C)</td> <td>£3.56</td> </tr> </table> <p>A charge per square metre of £3.56 would be required to mitigate the healthcare impact of the population arising from planned growth in Maldon District, to be incorporated within Maldon District Council's overall CIL Charging Schedule. NHS England therefore considers that the Council's CIL Regulation 123 list should incorporate a charge of £3.56 per square metre for "Increased Capacity for Existing Healthcare Provision".</p> <p>The NHS investment and expenditure priorities for CIL (and planning obligation)</p>	A	No. Dwellings Proposed	4,430	B	Average Dwelling Size	92m ²	C	Total Residential Development (A x B)	407,560m ²	D	Total Developer Contribution Required to Mitigate Healthcare Impacts of Planned Growth	£1,452,000	E	Charge per m ² (D ÷ C)	£3.56
A	No. Dwellings Proposed	4,430														
B	Average Dwelling Size	92m ²														
C	Total Residential Development (A x B)	407,560m ²														
D	Total Developer Contribution Required to Mitigate Healthcare Impacts of Planned Growth	£1,452,000														
E	Charge per m ² (D ÷ C)	£3.56														

	<p>funding are to be identified as part of the NHS Primary Care Strategy for the Maldon District area, which would assist future funding bids submitted to the Council for CIL funding.</p> <p>It is recommended that measures are put in place for notifying the NHS of planning applications and development commencements to assist its monitoring and management of new housing growth. CIL healthcare bidding and funding procedures also need to be agreed, to ensure that the impacts of planned growth can be effectively mitigated through CIL funding, and taken into account by the NHS in its healthcare prioritisation and procurement strategies and expenditure programmes.</p>
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Ref no.	PDCS026
Qu 1	
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Qu 3	
Qu 4	
Qu 5	
Qu 6	<p>Iceni projects support the Council in introducing CIL, however it is important that the charging schedule takes account of the following observations:</p> <ol style="list-style-type: none"> 1. The need to ensure maximum flexibility is built into the charging schedule in order to ensure abnormal costs associated with development do not harm its viability; 2. The need to ensure payments are sought on the basis of a phased approach; 3. The need to ensure exemptions / relief are embedded within the charging schedule; 4. The need to ensure the charging schedule is supported by a robust evidence base that is kept up to date and regularly reviewed; 5. The need to ensure the level of CIL apportioned to various infrastructure projects is appropriate; and 6. The need to ensure that CIL is fairly distributed across the District so as not to dis-incentivise development in certain areas.

Ref no.	PDCS027
Qu 1	<p>The rates are suitably informed by the work but only to a point, they do not cover inevitable costs.</p> <p>The funding gap is high at £78 million.</p> <p>Land acquisition costs, public sector commissioning and administration fees, other on-costs, and inflation are not included in the Council cost estimates. Therefore, estimated costs should be regularly monitored and reviewed to determine key priorities for infrastructure provision.</p>
Qu 2	<p>Concern that infrastructure costs have been underestimated, therefore questioning the viability and deliverability of strategic sites.</p> <p>The reasoning for making sites S2(d) and S2(e) is not clear, therefore other sites may also require an exemption from CIL.</p>

	<p>There is a contradiction and inconsistency in the PDCS consultation document relating to the effective 'exceptional circumstances' being given to Strategic Sites S2(d) and S2(e) on grounds of economic viability, yet the consultation document states in paragraph 2.5.3 that it does not propose to make discretionary relief available. This is misleading.</p> <p>Site S2(h) Heybridge Swifts should be a special case as it is enabling development, a 'windfall' site, small site, minor constraints and infrastructure requirements, include the relocation of the football club which could prove to be unviable and undeliverable through the imposition of additional costs.</p> <p>CIL and S106 should be secured on a basis of a fair and proportionate impact. Proposals to charge CIL on site S2(h) does not meet this test.</p>
Qu 3	It is considered that the proposed rates do not strike an appropriate balance in the case of site S2(h) Heybridge Swifts.
Qu 4	This would appear logical.
Qu 5	There is a strong case for including discretionary relief for both charitable investment or 'exceptional circumstance'. Heybridge Swift should be considered an exceptional circumstance, as the Council has already done with sites S2(d) and S2(e).
Qu 6	

Ref no.	PDCS028
Qu 1	No comment
Qu 2	
Qu 3	
Qu 4	
Qu 5	
Qu 6	
Additional information	<p>Aldi are concerned that the proposed CIL charging rate detailed in the PDCS may jeopardise the viability of future proposals, and hereby raise issue with the proposed charge rate, and the methodology used to derive the figure.</p> <p>We agree with the approach in setting differential charge rates for CIL, in accordance with the Community Infrastructure Levy Regulations (As Amended). However, we consider the proposed rates for supermarkets and retail warehouses to be excessive at £150 per sq.m.</p> <p>It is unreasonable that the proposed CIL charge rate for supermarkets and retail warehouses are over double the maximum amount for residential development. Given much of the infrastructure provided by the Levy is intrinsically linked to residential development, this appears particularly unfair. We consider the proposed charge of £150 per sq. m is excessive and prohibitive to development at a time of national government encouragement for economic growth.</p> <p>There is a general perception that national food retailers can afford to pay such high CIL rates, and that the viability of developments will be unhindered. This assumption appears to be the case with the PDCS, as all supermarkets are considered under a single charge irrespective of the size, or net sales area. It is hereby emphasised that discount operators, such as Aldi, have an entirely different operational model to other supermarkets such as Tesco, Sainsburys, Asda and Morrisons. Aldi's business model is based on delivering discounted goods to a</p>

	<p>localised catchment, and operates on low profit margins based on high levels of efficiency and low overheads.</p> <p>We fundamentally disagree with the methodology employed in the Viability Study, which uses three variations of retail development to derive the proposed charge of £150 per sq. m. The methodology uses a single storey supermarket model of 4,000 sq.m; a retail warehouse model of 4,000 sq. m and a town centre shop of 150 sq. m. None of these development types bears any resemblance to a typical discount convenience development such as Aldi, which are typically around 1,500 1,700 sq. m gross floorspace.</p> <p>It is therefore considered unreasonable that 'medium' sized foodstores such as Aldi should be expected to pay a CIL charge that has only been proved as viable for a supermarket of 4,000 sq. m. Moreover, the methodology demonstrates that imposing a levy on the 'town centre shop' format is not viable- hence why no charge is proposed for retail development other than supermarkets and retail warehouses. It is therefore clear from this methodology that retail developments can only afford to pay a charge that is proportionate with their scale, and that a single blanket charge is inappropriate.</p> <p>We therefore urge the Council to differentiate between discount supermarkets and larger superstore formats of the 'big 4' operators. We consider that 'like for like' comparison between convenience retail formats is not possible, and this generalised approach is a significant flaw when assessing financial viability. It is entirely unreasonable to expect discount operators to pay a CIL charge which is largely based on a business model materially different to their own.</p> <p>If the Council were to resort to a single charge rate for supermarkets, this should be a much lower figure than proposed, to avoid affecting the viability of non-assessed convenience retail formats.</p> <p>We wish to propose the introduction of a floorspace threshold of 2,000 sq. m of gross floorspace, with a CIL payment only triggered when this figure is exceeded. A discount food retail format would comfortably fit within this threshold, whilst the larger formats with greater turnover potential would exceed this. We consider this a reasonable approach that takes account of different development formats.</p> <p>Proposed differential retail charge rates based on floorspace thresholds are increasingly common amongst local planning authorities, including the London Boroughs of Hillingdon and Waltham Forest, and Dartford Borough Council. Norwich City Council use a 2,000 sqm threshold for convenience retail developments to trigger variable CIL rates, levied on chargeable development since July 2013. Furthermore Lambeth Council's draft Charging Schedule proposes a charge per sq. m of £115 on retail development in excess of 2,500 sq. m, and a nil charge below the threshold. These approaches are considered to be more reflective of the differing nature of respective retail formats.</p>
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Ref no.	PDCS029
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Attached information	<p>Clarification of the infrastructure required through CIL and Section 106 if important, to ensure there is no double counting taking place. Whilst it is not evident that double counting has taken place, this is an issue of fundamental importance.</p> <p>The IDP states that CIL could be paid in Burnham on Crouch, however it is not clear from the CIL PDCS if sites in Burnham on Crouch would be required to pay CIL. This is unclear.</p> <p>It is unclear for strategic sites in Burnham on Crouch whether contributions are to be sought through CIL or section 106 payments, and how these will be applied. The justification for deviating from the pooled section 106 payments is questionable, and the alternative approach has seemingly been deemed necessary in order to ensure higher levels of contributions are achieved.</p> <p>It is considered counterintuitive to have high levels of CIL imposed on sheltered housing and extra care, when this is the type of development which would be in high demand in the District. The higher rate of CIL could therefore reduce the chance of this type of development coming forward. It is also unclear if the high rate of CIL for sheltered housing and extra care has been fully taken into account within the viability assessment model.</p> <p><u>Build costs</u></p> <p>We have concerns that the Viability Assessment has adopted unrealistic build costs. These include the following specific issues:</p> <ul style="list-style-type: none"> • It is seen that some allowance has been made for the consideration of the likelihood of Section 106 Agreements needing to be entered into alongside CIL (and in addition to affordable housing), with this set at £2,500 per unit. As noted elsewhere in this response it is difficult to fully appreciate the balance between items ultimately included in the CIL and those assigned to particular sites at this stage. • The appraisal appears to assume that all dwellings will be built to Code Level 4 in the context of the Code for Sustainable Homes. It is considered likely that the majority of dwellings from allocations made within the emerging Local Plan will be delivered in the post-2016 period where different building regulation requirements could come into play. This will inevitably add to the build costs over and above those assumed within the Viability Assessment. <p><u>Fees</u></p> <p>It is welcomed that consideration in the Viability Study has been given to the range of fees likely to be incurred in the process of promoting and securing planning permission on a site, and the allowances made for the elements are broadly correct.</p> <p><u>CIL Rates</u></p> <p>It is noted within the Viability Assessment that the rate of £70/m² was put forward on the basis of a 30% affordable housing requirement and that with a 40% affordable housing requirement the rate was recommended at £40/m². The majority of the sub-</p>

	<p>areas within the District are subject to an affordable housing requirement of 40% which therefore suggests a lower CIL rate should be set. This therefore requires justification to be set out as to why the higher figure has been chosen. Furthermore it is suggested that an assumed average rate of 30% delivery of affordable housing has been factored into the viability assessment. If this implies acceptance of a flexible approach to application of affordable housing policy requirements then this is not necessarily considered a problem, but otherwise may have skewed the overall conclusions.</p> <p>Aside from the issue relating to affordable housing, the CIL rates proposed appear to be set broadly within the limits of viability for each area which reflects the current housing market and enables housing development within the Strategic Sites and the District as a whole to go ahead, while also providing monies for infrastructure to be provided.</p>
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Ref no.	PDCS030
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Additional information	Linden Homes are aware of the combined representation submitted by CEG and DPE (the promoters of sites S2(a) and S2 (b) respectively) in relation to the CIL PDCS. We concur with their broad analysis, conclusions and alterations sought to the CIL PDCS.

Ref no.	PDCS031
Qu 1	<p>On review, the viability evidence provided by the Council does not appear to demonstrate the impact of CIL on any tested scheme. The studies show whether the tested models site, based on a set of assumptions (including other planning policies) are viable against a chosen land value benchmark; but the study fails to show the impact of the proposed CIL in the charging schedule has upon the model. Clearly the potential to support a CIL will vary between modelled sites, but this does not appear to be evidenced.</p> <p>The study appears to make a leap in the evidence between what is a viable scheme and that £70 per sqm is the maximum CIL which can be supported in all cases. To ensure that the CIL evidence is robust, this evidence should be shared publically before a CIL Examination public takes place to enable comment to be provided.</p> <p>Furthermore, it is notable that whilst the residual value varies across the Authority, reflecting market fluctuations, the chosen land value benchmark does not vary across the Authority. It seems reasonable to conclude that like sales values, that the land value benchmark should vary across the Authority to reflect market differences. Further explanation is therefore required to explain why market fluctuations in residential sales values and how affordable rents have been included, but this approach has not similarly been applied to the land value benchmark.</p> <p>Without this evidence it is impossible to conclude if the proposed rates are suitably informed from the viability study.</p>

Qu 2	<p>It is considered that there is a fundamental error in the production of both the August 2013 and November 2013 Viability Study, where it is believed that due to variations in coding (ie S2f or S2g) of the sites within the North Heybridge and South Maldon Garden Suburb, the wrong sites have been assessed. This issue establishes a question mark over all of the assessed sites and also over the robustness of the CIL charging evidence on which the charging schedule has been made.</p> <p>It does not appear reasonable to exclude S2 (f) from the Heybridge Masterplan as it would create a lack of development continuity along the B1022, particularly given the location of the woodland identified as Ma49 in the Masterplan area and within S2 (e). Nor does this appear to be the intention as S2 (g) was included.</p> <p>Furthermore the 2014 CIL regulations allow charging authorities to set differential rates by the size of development (i.e. floorspace, units). In this instant the Council is requiring the North Heybridge sites to conform with a masterplan framework and by all sites inclusion in this framework they are also required to contribute to the big infrastructure costs. Therefore why is a CIL rate being requested for S2 (f) when it is not for S2 (d) and S2(e).</p>
Qu 3	<p>It has not been demonstrated within the Viability Study that there is an appropriate balance between the desirability of funding infrastructure and the impacts of a levy on the economic viability of development across the area.</p> <p>£70 per sqm is regarded as the maximum CIL rate which could be supported, and it is not an appropriate rate for sites of marginal viability. It is considered that there should be a further discount for sites of marginal viability.</p> <p>The Viability Study does not consider 'market value' as a suitable benchmark, although this is what would be used for bank valuations.</p>
Qu 4	The viability of large sites will be assisted by the inclusion of an instalments policy.
Qu 5	Discretionary relief should be provided to sites of marginal viability.
Qu 6	Site S2(f) land West of Broad Sheet Green Road as a minimum should be CIL zero rated.

Ref no.	PDCS032
Qu 1	<p>I am pleased to see that the Council's consultant has used the methodology for assessing CIL for retirement housing which was prepared by Three Dragons on behalf of Retirement Housing Group. However when I attempt to replicate the calculations carried out by the consultants using the Three Dragons methodology I do not come to the same or even broadly similar conclusions.</p> <p>I have used the information on house prices, unit sizes and communal areas provided in the consultants report plus published data on build costs and the standard assumptions in the RHG methodology.</p> <p>My analysis using the Three Dragons toolkit and the RHG briefing paper shows a negative residual value with 40% affordable housing (and no CIL). A positive residual value is achieved with 100% market housing (and no CIL), but my reading of policy H1 is that this would be contrary to policy.</p>

	I recognise that viability analysis involves multiple assumptions about costs, prices and phasing and would be happy to discuss with the Council and its consultants the assumptions and modelling approach used so that viability analysis can be carried out on a comparable basis.
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Ref no.	PDCS033
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Additional information	<p>We fully endorse the emphasis now being given to ensuring that an appropriate balance is struck between the desirability of funding infrastructure from the levy and the potential effects of the levy on the economic viability of development across the area.</p> <p>We would strongly support the introduction of an instalments policy, as allowing the payment of CIL liabilities in instalments can make a significant difference to the viability of development schemes.</p> <p><u>CIL Charge rates:</u> The PDCS rates do not provide viability sensitivity do different areas of the District, as has been done in Policy H1 of the LDP in relation to affordable housing.</p> <p>The proposed residential tariff has not been robustly evidenced, and would have an adverse impact on the delivery of new housing.</p> <p><u>Affordable housing:</u> The IDP provides uncertainty that levels of affordable housing required in the LDP can be delivered.</p> <p>The residential CIL rate should be reduced.</p> <p><u>Deliverability:</u> High funding gap questions the deliverability of the LDP.</p> <p><u>Residential property market:</u> The review in the Viability Study of only 17 properties on the market was inadequate. Further assessment is required for a robust analysis</p> <p>Many of the properties within Table 4.1 do not fit with the property profile of the types of properties that are likely to come forward via the Maldon District Local Development Plan. For example, four of the properties (or 23% of the 17 properties with £/m2 figures) form part of a high quality barn conversion scheme (Woodham Lodge Barns). These will sell for a significant premium over an estate property on an</p>

	<p>urban extension – and should be excluded from the ‘calculation’ of average asking prices.</p> <p>As new homes sales will often not achieve the full asking price, for modelling purposes a discount of up to 10% (between asking price and sales price) should be applied. The full 10% discount would bring the average sales prices down to under £2,500 £/m². Indeed, we would recommend a lower figure still for modelling purposes, to take account of the likely lower sales values on large estate urban extensions, as opposed to some of the smaller bespoke schemes included in Table 4.1 of the Viability Study (August 2013).</p> <p>The actual price assumptions used in the Viability Study are found in Table 9.9 of the Viability Study (August 2013). The revised price assumptions range from £2,325 £/m² to £3,200 £/m². We are concerned that these figures are generally too high (when assessed against the limited new build house price data included in Table 4.1). We would strongly recommend that further local new homes sales information is collected, with a view to robustly evidencing the price assumptions. A discount needs to be applied to factor in the variation between asking prices and sales prices, and full account taken of the differences between the values of a small bespoke scheme, and those on a larger urban extension.</p> <p><u>Appraisal assumptions</u> We believe that the level of ‘overage’ identified in Table 13.2 of the Viability Study (November 2013) is exaggerated, and does not form a sound basis for making decisions on the appropriate CIL residential charge rates.</p> <p>Benchmark land values, profit margin, and build costs in the Viability Study are generally supported.</p> <p>Contingency on construction costs of 5% should be considered a minimum.</p> <p>The density levels tested in the Viability Study are considered to be too high. Lower development densities will deliver lower gross development values.</p>
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Ref no.	PDCS034
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Additional information	<p>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.</p> <p>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</p>

	<p>significant impacts on a range of infrastructure, the proposed charge is clearly disproportionate and contrary to the Guidance.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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Ref no.	PDCS035
Qu 1	
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Additional information	<p>The effect of the imposition of CIL will be to constrain land supply. This is a particularly significant threat to land with a high existing use value and therefore to the delivery of retirement developments, which due to the nature of residents are required to be sited in close proximity to town and local centres.</p> <p>We must first commend the Council for undertaking a viability appraisal of both Sheltered / Retirement and Extra Care Accommodation when determining CIL. We do however have significant reservations based on the findings of this appraisal as the level of 'surplus' cited does not match our recent experiences of developing in the</p>

area. Notably the monies suggested as available for CIL strike us as being extreme, particularly when compared to levv rates in other, more affluent, Local Authorities.

McCarthy and Stone recently achieved planning permission on 12th December 2013 for a sheltered / retirement schemes at White Horse Lane In Maldon (Application reference: FUL.MAL/13/00257) and I would like to highlight this development as a good example of the issues facing Retirement / Sheltered and Extra Care Housing. We would note that a considerable amount of viability evidence was submitted with the aforementioned application and would therefore be readily available to inform this study.

The methodology generally followed in relation to sheltered / retirement and extra care accommodation is that recommended by the Retirement Housing Group (RHG). The authors of the RHG methodology, Three Dragons, believe that the RHG methodology has been applied incorrectly in this instance. Churchill support this position.

The level of communal floorspace provided is the lowest of the margins set by the RHG; 20% for Sheltered / Retirement and 35% for Extra Care. I would consider these to be extremely 'efficient' schemes for developments of this type. In context the recent Maldon Sheltered / Retirement permission referred to earlier, this development will provide communal facilities accounting for 31% (1,974m²) of the Gross internal area (2,852m²).

The RHG model does not include provision for Empty Property Costs, which are higher for these forms of development than standard housing due to the communal floorspace and, in the case of Extra Care, the on-site provision of care. Due to the recent changes to Council Tax, empty property costs are typically in the region of £200,000 before a development is typically sold out.

Finally I would like to ensure that other aspects of the appraisal are in line with the RHG briefing note i.e. the higher sales and marketing costs and the slower sales rate. In particular we are concerned over the build costs for Extra Care accommodation, which the RHG recommends are 4% higher than those of sheltered / retirement housing.

Notably and perhaps of most concern is that the land values used strike us as being extremely low. Whilst the Land Value used for a 0.5 hectare brownfield site used for Sheltered. Retirement Housing does not appear to be specifically cited, we assume this was £275,000. We have calculated this on the assumption that the benchmark land values for industrial land were used (£550,000 per hectare) and have divided by two to reflect the size of the site used. This is completely at odds with our experience of purchasing land in Maldon District:

During affordable housing negotiations the 0.2 hectare Maldon site at White Horse Lane, Alder King property consultants, acting on behalf of the Council, stipulated a value of £495,000 for the site. This was agreed by the Council. This would result in a benchmark land value of £2,475,000 per hectare.

The methodology for determining land value for brownfield sites was based on the existing use value plus 20%. This does not strike me as an unreasonable methodology,

	<p>provided that valuation attributed to existing uses are fair. The site at White Horse Lane was, for example, formerly a vehicle repair garage which as a commercial land use and £275,000 cannot be considered a good return for a vendor for a site of this type and therefore is a wholly unrealistic sum. Put into stark context, the proposed land cost for the site in the viability appraisals for Extra Care and Sheltered / Retirement housing are similar to the cost of 1 apartment.</p> <p>A guidance note and Three Dragons viability briefing note has been provided to inform CIL practitioners and decision makers on the formulation of CIL rates regarding retirement housing. These documents highlight that the imposition of CIL has a more significant impact on retirement housing than on general needs housing because of the greater density of development.</p>
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Ref no.	PDCS036
Qu 1	<p>CIL rates proposed are reasonable when compared to other areas.</p> <p>The Viability Report follows the tool kit advices issued by government advisory boards.</p> <p>Care needs to be taken to ensure that CIL rates are not set to a level which could stall projects coming forward.</p>
Qu 2	<p>It is unclear if infrastructure required for Burnham on Crouch through Policy S6 of the LDP, can be funded. There is disappointment that vital projects for Burnham on Crouch are not included in the Regulation 123 list.</p> <p>Required infrastructure improvements relate to drainage at Creeksea, and junction improvements at the Church Rd / Maldon Rd junction. More road improvements are required on the B1010, and disagree with the view of Essex County Council on their assessment of the capacity of this road.</p> <p>The level of affordable housing should be reduced in Burnham on Crouch to obtain more CIL funding for the area.</p>
Qu 3	<p>The rate is about right in comparison to other areas, but does not sufficiently relate to infrastructure provision.</p> <p>Further residential or industrial uses should be provided on Strategic Allocations in Burnham on Crouch rather than the large number of football pitches. This would increase CIL revenue.</p>
Qu 4	Yes, this would support developers by being able to spread cashflows. This would help prevent stalling development.
Qu 5	Extra care facilities associated with the ageing population should be exempt from CIL rates, to assist in securing this type of development.
Qu 6	<p>The Regulation 123 list does not include enough projects for Burnham on Crouch. More new infrastructure is required in Burnham on Crouch.</p> <p>Disagree with Essex County Council, and believe that improvements are required to the B1010. This should therefore be identified as an appropriate project for CIL.</p> <p>Financial gains from CIL would be insufficient to support the infrastructure required in Burnham on Crouch over the next 0-5 years.</p>

Ref no.	PDCS037
Qu 1	<p>There are concerns and omissions in the Regulation 123 list in relation to:</p> <ul style="list-style-type: none"> • Estimates for flood prevention measures need checking to ensure robustness in anticipating further extreme conditions. • More focus is required on projects to knit growth in Maldon and Heybridge to existing areas. • More central car parking and park and ride should be included. • There is no certainty that organisations responsible for infrastructure have provided appropriate endorsement to the Regulation 123 list. • Projects are required to improve highways access to A12. • Ensuring a decision on the community hospital, and provision of GP surgeries at each Garden Suburb. <p>Concern that the CIL rate for supermarkets is not high enough to reduce any adverse impact on smaller businesses and start up businesses.</p> <p>The CIL PDCS rates are based on the viability of development, rather than seeking to raise a certain amount of money through CIL to pay for infrastructure projects or to manage the adverse impacts of certain types of development. Regulation 14 of the CIL Regulations states that the charging authority, in setting rates, 'must aim to strike what appears to the charging authority to be an appropriate balance between' the desirability of funding infrastructure from the levy and 'the potential effect (taken as a whole) of the imposition of CIL on the economic viability of development across its area'.</p>
Qu 2	<p>There is concern that the land value is subject to market forces which in turn have been influenced generally by recent central government exhortations to build and locally by the draft MDP proposals themselves. The land value given should therefore be at a backdated (lower) value to allow for this?</p> <p>The notional 20% profit margin for the developer appears high? Retailers would be delighted if their returns were anything like that figure.</p>
Qu 3	The Council needs to be more robust to ensure that maximum CIL is obtained.
Qu 4	<p>Infrastructure must be in place in advance of development taking place.</p> <p>Instalment policy seems entirely appropriate.</p>
Qu 5	Charitable exemption should not be automatic, but should be on the merits of the individual charity concerned.
Qu 6	<p>Concern about the deliverability of infrastructure required through the LDP. Using CIL, the Council should seek the creation of a special joint body to manage linking housing development to the delivery of all related infrastructure.</p> <p>Priority of CIL funding should be provided to Heybridge, South and West Maldon, and Maldon Town Centre. The quality of existing areas being impacted by growth should be carefully considered.</p>

Ref no.	PDCS038
Qu 1	Viability evidence does not demonstrate how the LDP can progress without a certain and reliable source of infrastructure funding.
Qu 2	No explanation is given on how the infrastructure gap would be filled beyond CIL funding.

Qu 3	Zero rating sites S2(d) and S2(e) will encourage early development in flood risk areas. How will flood mitigation be funded in these areas.
Qu 4	CIL should be paid on a phased basis to assist with infrastructure costs in advance of development.
Qu 5	
Qu 6	

Ref no.	PDCS039
Qu 1	
Qu 2	No properties should be built where there is an increased risk of localised flooding. By not enforcing CIL on Heybridge sites we will be encouraging the increased flood risk with no community benefit.
Qu 3	
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Qu 5	
Qu 6	

Ref no.	PDCS040
Qu 1	The development of a Garden Suburb requires an adequate supply of funds. Concern that infrastructure will not be delivered when CIL gets cut.
Qu 2	
Qu 3	Concern that infrastructure will not be provided alongside new development due to cuts in funding such as CIL.
Qu 4	Instalment policy and discretionary relief are common-sense necessities to the smooth running of things.
Qu 5	CIL should include discretionary relief for charities.
Qu 6	

Ref no.	PDCS041
Qu 1	The development of a Garden Suburb requires an adequate supply of funds. Concern that infrastructure will not be delivered when CIL gets cut.
Qu 2	
Qu 3	Concern that infrastructure will not be provided alongside new development due to cuts in funding such as CIL.
Qu 4	Instalment policy and discretionary relief are common-sense necessities to the smooth running of things.
Qu 5	CIL should include discretionary relief for charities.
Qu 6	