

COMMUNITY INFRASTRUCTURE LEVY: PRELIMINARY DRAFT CHARGING SCHEDULE STATEMENT OF CONSULTATION October 2016



COTSWOLD
DISTRICT COUNCIL

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Introduction 1

I Introduction

1.1 This Statement has been prepared in accordance with Regulation 15 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 6.1 of the Cotswold District Council Statement of Community Involvement 2014 to explain the consultation process on the Cotswold District Council Community Infrastructure Levy : Preliminary Draft Charging Schedule June 2016 (CIL:PDCS).

1.2 In order for CIL to be adopted, it is required by the CIL Regulations 2010 (as amended) that the Council holds a minimum of two rounds of public consultation. The PDCS was the first round of consultation to be held.

1.3 The CIL:PDCS was approved for public consultation at the Cabinet Meeting of Cotswold District Council on 16th June 2016. The public consultation ran for a period of six weeks from Monday 27th June to Monday 8th August 2016.

1.4 In addition to the CIL:PDCS document, a series of evidence base documents were published for consideration. These were:

- Cotswold District Council Infrastructure Delivery Plan (2014 and 2016 Update);
- Cotswold District Council Whole Plan Viability Assessment (April 2016); and
- Cotswold District Council Infrastructure Funding Gap Analysis (June 2016).

2 Consultation Method

2 Consultation Method

2.1 The purpose of the PDCS consultation was to allow local communities, developers and businesses to make representations on the initial proposed charging schedule for a CIL in Cotswold District.

2.2 The CIL:PDCS document, was made available for public viewing by the following means:

- On the Cotswold District Council website
- At the Cotswold District Council Offices at Trinity Road, Cirencester and the Moreton Area Centre, Moreton-in-Marsh
- At all public libraries in the District
- At the public 'drop in sessions' at the Moreton Area Centre on 6th July and Cotswold District Council Offices, Cirencester on 7th July
- Copies were also made available for purchase, on request, at the cost of £1 inc p&p.

2.3 The Council also produced a free guide to the consultation, called 'CIL:PDCS Consultation Frequently Asked Questions' to explain what the consultation was about, how to comment and more background to CIL. This document can be seen at Appendix A.1. This was available at the same locations as the CIL: PDCS.

2.4 Notification of the Consultation was made by either letter or e-mail and sent to the following:

- The statutory consultation bodies as specified in the CIL Regulations.
- The consultation bodies specified in the [SCI](#); and
- Companies, organisations and individuals that the Council considered may have an interest in CIL.

2.5 Further notification of the consultation was made:

- On the Cotswold District Website
- By Poster, sent to all Town and Parish Councils to display on their notice boards, Libraries and displayed in the Cotswold District Council Offices at Trinity road, Cirencester and the Moreton Area Centre, Moreton-in-Marsh
- By TV advert screen in the Cotswold District Council Office Reception, Trinity Road, Cirencester.
- In the 'Local Plan Update' edition of the Cotswold Newsletter, sent to every home and business in the District
- By press release, sent from the Council's Communications Team to coincide with the start of the consultation
- In the Cotswold District Council Members Weekly Information Sheet

2.6 Additionally, by running concurrently with the Cotswold District Local Plan Reg 19 Submission Draft consultation period, the CIL:PDCS consultation benefitted from the raised publicity generated by the Local Plan.

2.7 Copies of the poster, letters, emails, press release and newsletter can be seen in Appendix A of this Consultation Statement.

Summary of Representations Received 3

3 Summary of Representations Received

3.1 The Council received 99 comments from 34 consultees to the PDCS consultation. These comments were received either electronically by email or through the Council's online consultation platform or by letter. The representations can be viewed online at http://consult.cotswold.gov.uk/portal/fp/cil/cil_preliminary_draft_charging_schedule

3.2 Representations were made by Local Residents, Town and Parish Councils, Councillors, the County Council, Developers, Care/Retirement Home Providers, Infrastructure and Utilities companies, a School, Environmental Groups and Landowners.

3.3 Some of the key issues arising from the PDCS consultation were:

- There was support for the Adoption of CIL as it provides certainty and clarity for developers and councils and brings in contributions from all new residential development and others over 100sqm.
- The zero rating of the Chesterton Strategic Site. There was support for this on the grounds of bringing clarity and certainty. There were also objections to this zero rating on the grounds that Chesterton should contribute to infrastructure across the District and the presumption that the current planning application will be approved.
- Other objections to the Charging Rates included the charging of rural businesses, rural retail and town centre retail uses, the rate charged for sheltered and extra care housing and the single rate of the residential charge on the grounds that a more complicated one for different zones and different sized developments should be introduced. Also, it was proposed that a new charging category for hotels be included.
- Comments on the Draft Reg 123 list were that it is too broad brush, requires more detail of schemes to prevent double charging of CIL and s106. Additions to the list were suggested, including railway station improvements, such as car parks and bus services, sewerage issues, remedial measure for highway/surface water drainage systems, wider health service infrastructure, funding for woodlands.
- There was support for the future inclusion of a Discretionary Relief Policy, Social Housing Relief Policy, Instalment Policy and the clarity this will provide
- There was support of the Meaningful Proportion to be given to Town and Parish Councils, but requests made for more information on this and that the Council give a higher amount than that prescribed in the Regulations.
- There was a desire for more information to be published on the implementation of CIL, including how the Council will work with local Communities, Town and Parish Councils and the County Council to deliver infrastructure projects, as well as the triggers for reviewing CIL in the future.

3.4 Specific technical comments on the IDP and Whole Plan Viability Studies including regarding assumptions made in the methodology were received and have been sent to the Consultants to answer and will be incorporated into any further updates to these documents.

3.5 The PDCS representations have been collated into a 'Table of Representations', with each representation and the Council's response, as Charging Authority, shown. This table can be seen at Appendix B of this Consultation Statement. The representations will inform the next stage of the CIL process, which is called the Draft Charging Schedule.

A Consultation Documents

Appendix A Consultation Documents

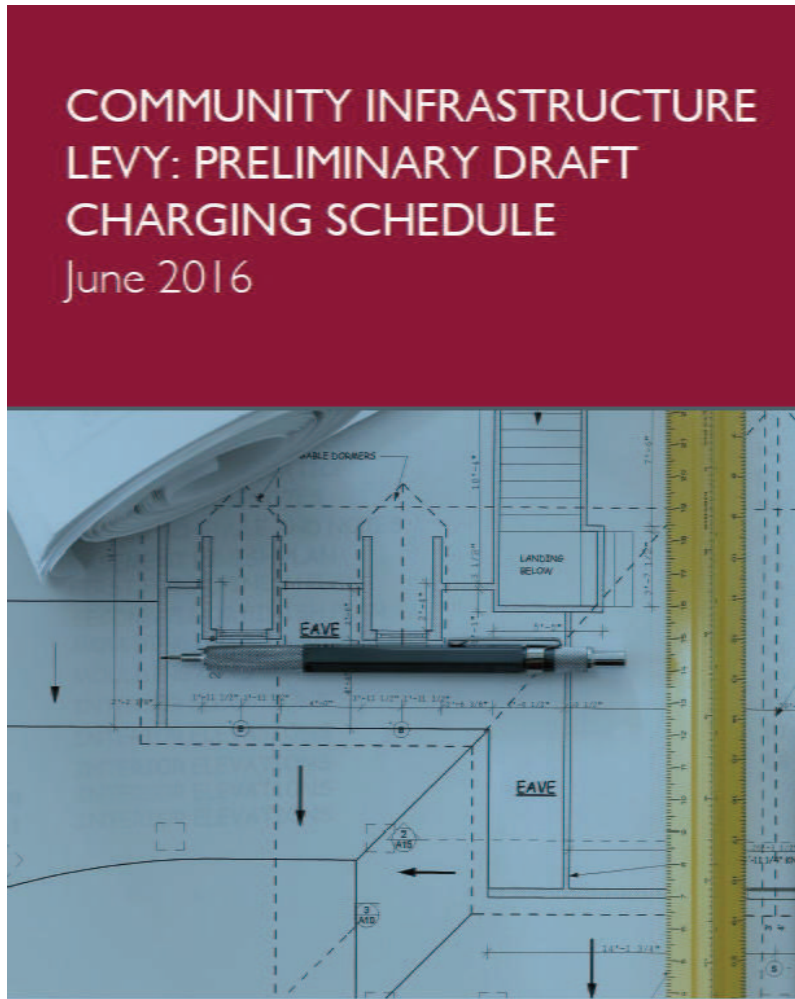


Figure 1 Front Cover of CIL PDCS

Consultation Documents A

Consultation underway on more efficient infrastructure charges

Press Release date: 27 June 2016

Cotswold District Council is consulting the public and businesses about plans to introduce a fairer, faster and more transparent way of obtaining funds for general infrastructural improvements when developments are granted planning permission. A growing number of local authorities – including several in Gloucestershire - are adopting the power to make Community Infrastructure Levy (CIL) charges to pay for improvements such as contributions towards school places, creation of open space, library provision, and transport works. At the moment these are funded in the Cotswolds by developers entering into legal agreements (also known as Section 106 agreements) with the Council to build or pay for new infrastructure, which only attract funding from about 6% of all planning permissions. Additionally, Section 106 agreements can sometimes lead to significant delays – and omissions – while parties enter into lengthy negotiations about planning obligations.

CIL charges would be based on a ‘tariff-style’ framework relative to the size and type of development proposed, enabling the Council to secure an appropriate level of general infrastructure provision to support new development. Levy rates are set following a statutory process and will provide the developers with much more certainty at the outset regarding how much money they will be expected to contribute to infrastructural improvements. Some of the receipts from a CIL would be passed directly back to the communities where development takes place. The ‘meaningful proportion’ as it is known, is 15% of CIL receipts capped at £100 per existing council tax paying dwelling, or 25% of CIL receipts, uncapped, where a community has a Neighbourhood Plan or Neighbourhood Development Order in place. The regulations for CIL exclude contributions for Affordable Housing which instead will continue to be covered by S106 obligations.

Officers at the Council have gathered evidence to determine the charges which might be applied and have now produced a Preliminary Draft Charging Schedule for public consultation which began on Monday 27 June 2016 and **ends on Monday 8 August 2016** (midnight).

The public are being asked to review the draft and the supporting evidence which can be found at [http://consult.cotswold.gov.uk\(opens in a new window\)](http://consult.cotswold.gov.uk(opens in a new window)). Hard copies of the Preliminary Draft Charging Schedule will also be available for viewing at the Council’s offices in Trinity Road, Cirencester and Moreton Area Centre, as well as public libraries across the district. Comments can be made via the CDC website [http://consult.cotswold.gov.uk\(opens in a new window\)](http://consult.cotswold.gov.uk(opens in a new window)) or by obtaining forms from the Council offices or online at www.cotswold.gov.uk/go/ForwardPlanning and sending them to CIL PDCS Consultation, Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX.

Once these views have been collated, the Council intends to formally publish a draft charging schedule in the autumn, inviting the public to make further representations. After this is completed and any amendments have been made, the Council’s CIL proposal will be examined by an Inspector early next year. Any person commenting on the schedule during the autumn consultation may request to be heard at the examination stage.

A Consultation Documents

Cllr Nick Parsons, the Deputy Leader of CDC and Cabinet Member for Forward Planning, believes that the CIL approach is a very positive step forward:

“There are many benefits to adopting CIL. Most notably, experience of local authorities so far has shown that CILs deliver additional funding to carry out a wide range of general infrastructure projects that support growth and benefit the local community. We will also have the flexibility and freedom to set our own priorities on spending the money in line with local requirements, as well as having access to a predictable source of funding which will enable us to plan ahead more effectively.

“CIL is also good news for local people because they will gain a better understanding about how new development is contributing to the funding of their community requirements. Developers should also benefit because they will have more certainty at the outset regarding how much money they will be expected to contribute to general infrastructural improvements.

ENDS

NOTES

The CIL is a new planning charge which came into force in April 2010 under the Community Infrastructure Levy (Amendment) Regulations 2011. It allows local authorities in England and Wales to raise funds for infrastructural improvements from developers undertaking new building projects in their area.

Consultation Documents A

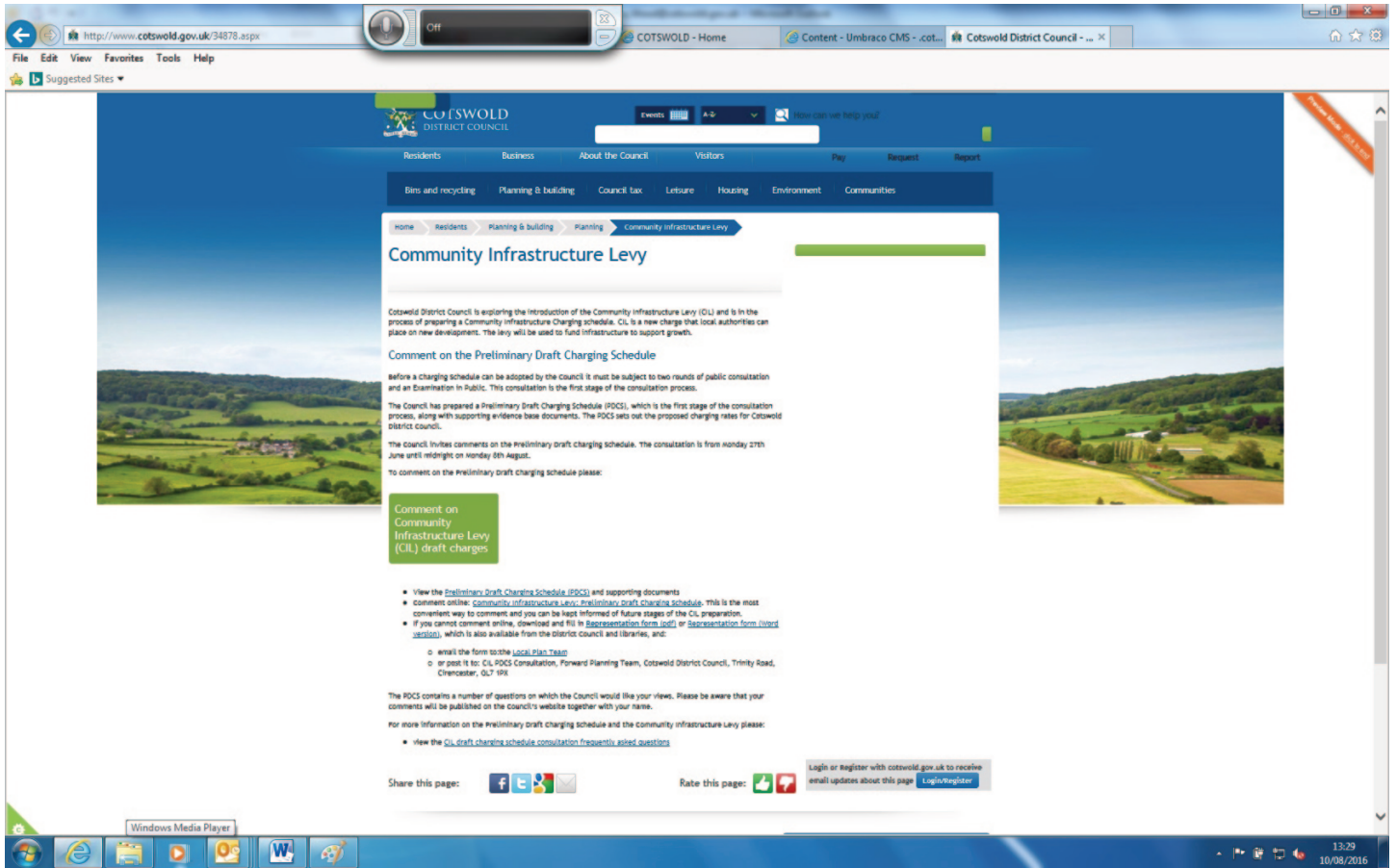


Figure 2 Website notification

A Consultation Documents

JUNE 2016

LOCAL PLAN

Update



COTSWOLD DISTRICT COUNCIL

Produced by
Cotswold District Council
www.cotswold.gov.uk

Victory Fields housing development in Upper Rissington ▼





COMMUNITY INFRASTRUCTURE LEVY (CIL)

Local Plan moves towards public examination stage

Cotswold District Council approved its Submission Draft Local Plan on 17 May, and is aiming to submit it for public examination in the autumn of this year.

Before the Local Plan can be adopted it must be examined by an independent inspector who will test that the Local Plan is 'sound'. This means checking that the Council has properly observed all the legal and national planning policy requirements. (See Page 4 for criteria for testing the Local Plan). The examination itself is expected to take place during spring 2017, though the exact timing will be confirmed in due course by the Planning Inspectorate.

Once adopted, the Local Plan will guide development in Cotswold District up to 2031.

During 2015, we undertook two key public consultations with the public; on the Development Strategy and Site Allocations, and on Planning policies. Your comments, together with the technical studies and supporting evidence base, have all helped to inform the preparation of this document, known as the Submission Draft Local Plan. This will now undergo a statutory, six-week, period of public consultation starting late June.

At this stage, public comments about the Local Plan need to be focused on whether you consider the Local Plan to be sound; what change(s) you are seeking; and why it would help to make the Local Plan sound.

Commenting on the approval of the Local Plan Submission Draft, Cllr Nick Parsons, the Cotswold District Council Deputy Leader and Cabinet Member for Forward Planning, said: "It's good to know that we are on course to submit the Plan to the government later this year.

"We have had criticism about the time taken to get to this stage, but the forward planning team have had to get through an enormous amount of work gathering evidence and opinions to help shape the Plan. It is worth stressing that – once approved – we will have a whole Local Plan for Cotswold District which is fully compliant with the National Planning Policy Framework. In other words, it will include a development strategy, site allocations to deliver the strategy, and a full range of policies to deliver the Plan's objectives. Only a handful of local authorities in England have adopted a whole Local Plan which is NPPF-compliant."

{

Once adopted, the Local Plan will guide development in Cotswold District up to 2031

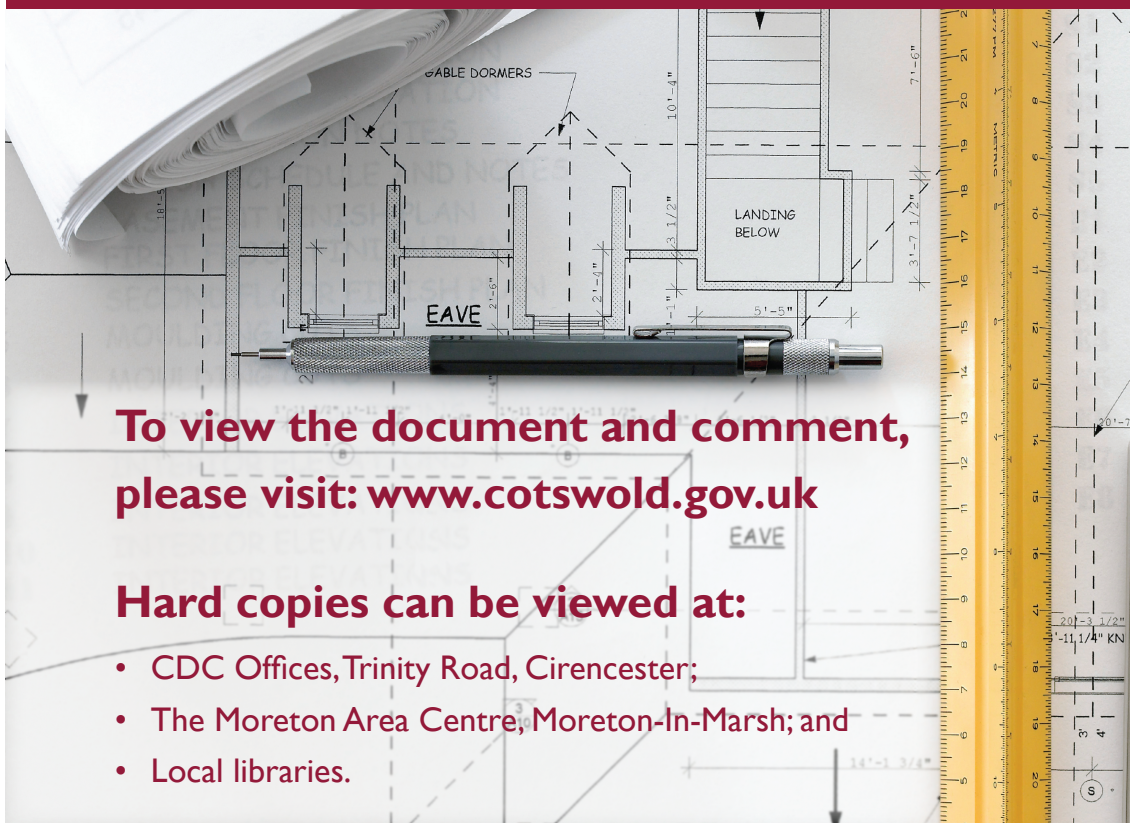
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LOCAL PLAN UPDATE JUNE 2016 01

Figure 3 Local Plan Update Newsletter

Consultation on Community Infrastructure Levy: Preliminary Draft Charging Schedule

Monday 27th June until
Monday 8th August 2016



To view the document and comment,
please visit: www.cotswold.gov.uk

Hard copies can be viewed at:

- CDC Offices, Trinity Road, Cirencester;
- The Moreton Area Centre, Moreton-In-Marsh; and
- Local libraries.

Forward Planning, Cotswold District Council, Trinity Road, Cirencester, GL7 1PX
Telephone: 01285 623000 or email: localplan@cotswold.gov.uk



COTSWOLD
DISTRICT COUNCIL

Figure 4 Poster

A Consultation Documents

Public Consultation on the Cotswold District Community Infrastructure Levy: Preliminary Draft Charging Schedule

In case you have not already been notified by automatic email , I would like to bring your attention , as previous Consultees on the Whole Plan Viability Study, to the current public consultation on the Community Infrastructure Levy Preliminary Draft Charging Schedule (CIL PDCS).

The consultation runs from 27th June to 8th August 2016.

The CIL:PDCS document and more information can be found on the following web page:

<http://www.cotswold.gov.uk/residents/planning-building/planning/community-infrastructure-levy/>

Please let me know if you no longer wish to receive updates on CIL.

Kind regards,

Jo Billingham

Consultation Documents A

How to make a representation on the Cotswold District Community Infrastructure Levy: Preliminary Draft Charging Schedule



Please submit your representation online by going to the following webpage - <http://consult.cotswold.gov.uk>

- Click on “Community Infrastructure Levy Preferred Draft Charging Schedule” and register as a user of our consultation system.
- Complete the registration details – you only need to enter your name, email address and create a username and password. You will then receive an activation email to confirm your registration. Click on the link in the email to activate your account and log in.
- View the CIL PDCS Document online and click the “add comment” tab to the section of the document you wish to comment on. Enter your comment and either “submit” your comment if you are happy with it; “save” your comment so you can add to it later; or “delete” it if you have changed your mind.
- You may log in again and add more comments on other sections of the document, if you wish.

The Council will also accept representations by post and email. Submissions MUST indicate which section of the document (e.g. paragraph number) your comments refer to, and include your name, address and telephone number, and email address if available. Please pick up a representation form that is available here today, or email localplan@cotswold.gov.uk to request an electronic copy of the form. Please send representations by email to: Localplan@cotswold.gov.uk or by post to: *CIL PDCS Consultation, Forward Planning Team, Cotswold District Council, Council Offices, Trinity Road, Cirencester, GL7 1PX*

Please note that, once processed into our consultation software, all comments submitted (via website, email or post) will be publicly viewable on our website along with the name of the person or organisation submitting the comments.

Please ensure your comments reach us by midnight on Monday 8th August 2016

How to make a representation on the Cotswold District Community Infrastructure Levy: Preliminary Draft Charging Schedule



Please submit your representation online by going to the following webpage - <http://consult.cotswold.gov.uk>

- Click on “Community Infrastructure Levy Preferred Draft Charging Schedule” and register as a user of our consultation system.
- Complete the registration details – you only need to enter your name, email address and create a username and password. You will then receive an activation email to confirm your registration. Click on the link in the email to activate your account and log in.
- View the CIL PDCS Document online and click the “add comment” tab to the section of the document you wish to comment on. Enter your comment and either “submit” your comment if you are happy with it; “save” your comment so you can add to it later; or “delete” it if you have changed your mind.
- You may log in again and add more comments on other sections of the document, if you wish.

The Council will also accept representations by post and email. Submissions MUST indicate which section of the document (e.g. paragraph number) your comments refer to, and include your name, address and telephone number, and email address if available. Please pick up a representation form that is available here today, or email localplan@cotswold.gov.uk to request an electronic copy of the form. Please send representations by email to: Localplan@cotswold.gov.uk or by post to: *CIL PDCS Consultation, Forward Planning Team, Cotswold District Council, Council Offices, Trinity Road, Cirencester, GL7 1PX*

Please note that, once processed into our consultation software, all comments submitted (via website, email or post) will be publicly viewable on our website along with the name of the person or organisation submitting the comments.

Please ensure your comments reach us by midnight on Monday 8th August 2016

Figure 6 How to comment flyer

A Consultation Documents

Information Sheet for Front of House

Cotswold District Community Infrastructure Levy: Preliminary Draft Charging Schedule (CIL: PDCS) Consultation

Consultation period from Monday 27th June until midnight Monday 8th August 2016

What is being consulted upon?

Cotswold District Council is consulting on the Community Infrastructure Levy Preliminary Draft Consultation Schedule

CIL is a new charge that local authorities can place on new development. The levy will be used to fund infrastructure to support growth. Before a Charging Schedule can be adopted by the Council it must be subject to two rounds of public consultation and an Examination in Public.

This consultation is the first stage of the consultation process.

The Council has prepared a Preliminary Draft Charging Schedule (PDCS) along with the supporting evidence base documents. The PDCS sets out the [proposed charging rates for Cotswold District Council. The Council invites comments on the Preliminary Draft Charging Schedule.

When is it being consulted upon?

Monday 27th June to Monday 8th August 2016. Representations must be received by midnight by the District Council either at Trinity Road or at the MAC or online.

Where is the Document?

Online version of the Document is available to view via our consultation software - go to webpage - <http://consult.cotswold.gov.uk>. Click on the document called CIL: Preliminary Draft Charging Schedule and it will take you to the document's own page, here is a 'Read Document' button which enables you to view the document online. A **PDF** of the document can also be downloaded from here too under the Supporting Documents tab.

There will also be a link to the document from the CDC home page www.cotswold.gov.uk and the Planning Policy pages www.cotswold.gov.uk/go/forwardplanning.

Printed copies of the CIL: PDCS are available to view at:

- Cotswold District Council's Trinity Road offices
- Moreton-in-Marsh Area Centre office,
- All public libraries across the District.

Purchase - the CIL: PDCS is also available to purchase for **£1 inc p&p**

Consultation Documents A

Information Sheet for Front of House

Is this the same consultation as the Local Plan?

No, this is a separate consultation. If you wish to comment on the Local Plan you must do so on the Local Plan Reg 19 Consultation page.

A few points about commenting on the CIL:PDCS

- **Comments can only be made on the CIL: PDCS document** NOT on any other supporting evidence documents (which are all on our webpages).
- All representations made on the plan will be forwarded, along with the Submission Local Plan itself and other supporting evidence, to the Planning Inspectorate who will appoint an inspector to undertake an examination to test the 'soundness' and legal compliance of the Plan. This means checking that the Council has properly observed all legal and national planning policy requirements.
- To assist the Inspector, representations made at this stage should be focused on:
 - whether you consider the Local Plan to be sound;
 - what change(s) you are seeking; and why it would help to make the Local Plan sound.
- Please note that, once processed into our consultation software, all comments submitted (via website, email or post) will be publicly viewable on our website along with the name of the person or organisation submitting the comments. However, comments made online will not be viewable immediately because they must be 'validated' by Officers – i.e. we need to check them to make sure they don't contain any personal data / offensive language etc. Once this initial checking process has been done, the comments will be available to view online.

How can people comment?

Online

Comments can be made online via our consultation software – this is the preferred method of receiving comments. Please encourage people to use this system if possible, if they have not already registered on the system then all they have to do is follow these steps:

1. Go to the webpage - <http://consult.cotswold.gov.uk>
2. Click on "Community Infrastructure Levy: Preliminary Draft Charging Schedule" document and register as a user of our consultation system.
3. Complete the registration details – you only need to enter your name, email address and create a username and password. You will then receive an activation email to confirm your registration. Click on the link in the email to activate your account and log in.

Once logged in, then they are able to make comments as follows:

A Consultation Documents

Information Sheet for Front of House

4. View the *Community Infrastructure Levy: Preliminary Draft Charging Schedule* online and click the “add comment” tab to the section of the document you wish to comment on. Enter your comment and either “submit” your comment if you are happy with it; “save” your comment so you can add to it later; or “delete” it if you have changed your mind.
5. You may log in again and add more comments on other sections of the document, if you wish.

(Note: we are also in the process of preparing a step by step guide with screen shots etc. and will put that on the website and pass FoH a copy as soon as it's ready)

Post and Email

If people do not wish to provide comments online, then a representation form can be used (it is on our website on the Planning page/ under **Community Infrastructure Levy**). Once completed the form can be emailed to: localplan@cotswold.gov.uk – PLEASE ENTITLE THE E-MAIL ‘CIL: PDCS’.

Written comments can be sent to: Local Plan Consultation, Forward Planning Team, Cotswold District Council, Council Offices, Trinity Road, Cirencester, GL7 1PX.

In order for comments to be considered, name and contact details must be provided. Anonymous representations will not be accepted.

Further info:

A '*Preliminary Draft Charging Schedule Consultation Frequently Asked Questions*' sheet is available on the website and with FoH.

If you have any further queries regarding the consultation, please contact anyone in the Forward Planning Team.

Consultation Documents A



COTSWOLD
DISTRICT COUNCIL

23 June, 2016

All District Libraries

Our ref: PDCS2016/letter1

When calling please ask for
Forward Planning
Tel: 01285 623000
E-mail: Localplan@cotswold.gov.uk

Dear Sir/Madam,

Cotswold District Community Infrastructure Levy: Preliminary Draft Charging Schedule public consultation

Further to our earlier correspondence regarding the Local Plan, please find enclosed the following documents that are also being placed on consultation and are to be made available to the public to view:

1. Cotswold District Community Infrastructure Levy: Preliminary Draft Charging Schedule
2. Representation Forms for those without internet access.
3. 'How to Comment' information

The formal consultation period begins on **Monday 27th June until midnight on Monday 8th August 2016.**

If you have any queries please contact the Forward Planning Team at Cotswold District Council on Tel: 01285 623000 or email: localplan@cotswold.gov.uk

Yours faithfully,

James Brain
Forward Planning Manager

A Consultation Documents



COTSWOLD
DISTRICT COUNCIL

4 October, 2016

Our ref: CIL:PDCS

When calling please ask for

Forward Planning

Tel: 01285 623000

E-mail: Localplan@cotswold.gov.uk

Dear Sir/Madam,

Cotswold District Community Infrastructure Levy: Preliminary Draft Charging Schedule is available for public consultation 27th June until 8th August 2016

Earlier this week you will have received notification of the public consultation on the Community Infrastructure Levy: Preliminary Draft Charging schedule (CIL: PDCS). Please find enclosed **a poster**, which I hope you can display on your town/parish noticeboards to publicise this consultation further.

To recap: Cotswold District Council is exploring the introduction of the Community Infrastructure Levy (CIL) and is in the process of preparing a Community Infrastructure Charging schedule. CIL is a new charge that local authorities can place on new development. The levy will be used to fund infrastructure to support growth.

Before a Charging Schedule can be adopted by the Council it must be subject to two rounds of public consultation and an Examination in Public. This consultation is the first stage of the consultation process. The Council has prepared a Preliminary Draft Charging Schedule (PDCS), which is the first stage of the consultation process, along with supporting evidence base documents. The PDCS sets out the proposed charging rates for Cotswold District Council. The Council invites comments on the Preliminary Draft Charging Schedule.

Copies of the CIL: PDCS will be available to view at all the Libraries in the District, and at the District Council offices in Cirencester (Trinity Road, GL7 1PX) and Moreton-in-Marsh (Moreton Area Centre, High Street, Moreton-in-Marsh, GL56 0AZ).

If you have any queries please contact the Forward Planning Team at Cotswold District Council on Tel: 01285 623000 or email: localplan@cotswold.gov.uk

Yours faithfully,

James Brain
Forward Planning Manager

Trinity Road, Cirencester, Gloucestershire, GL7 1PX Tel: 01285 623000 Fax: 01285 623900 www.cotswold.gov.uk

Figure 9 Letter to Parish Councils

Consultation Documents A

Dear xxx xxxxxxx

Community Infrastructure Levy: Preliminary Draft Charging Schedule will be available for you to view and comment between the following dates:

Start date: 27/06/16 09:15

End date: 08/08/16 23:59

Please select the following link to view this event:

http://consult.cotswold.gov.uk/portal/fp/cil/cil_preliminary_draft_charging_schedule

If the link appears to be broken, please try copying the entire link into the address bar on your web browser.

Cotswold District Council is exploring the introduction of the Community Infrastructure (CIL) and is in the process of preparing a Community Infrastructure Charging schedule.

CIL is a new charge that local authorities can place on new development. The levy will be used to fund infrastructure to support growth.

Before a Charging Schedule can be adopted by the Council it must be subject to two rounds of public consultation and an Examination in Public.

This consultation is the first stage of the consultation process.

The Council has prepared a Preliminary Draft Charging Schedule (PDCS) along with the supporting evidence base documents. The PDCS sets out the [proposed charging rates for Cotswold District Council. The Council invites comments on the Preliminary Draft Charging Schedule.

This e-mail has been automatically generated by the Consultation software.

The information contained in this e-mail or in any attachments is confidential and is intended solely for the named addressee only. Access to this e-mail by anyone else is unauthorised. If you are not the intended recipient, please notify the administrator and do not read, use or disseminate the information.

Opinions expressed in this e-mail are those of the sender and not necessarily the company. Although an active anti-virus policy is operated, the company accepts no liability for any damage caused by any virus transmitted by this e-mail, including any attachments.

To unsubscribe please click on the link below or paste it into your browser:

<http://consult.cotswold.gov.uk/common/unsubscribe.jsp?guid=8CD763EC-E8CC-BA83-4116-D39D162E8A08>

A Consultation Documents

A.1 CIL: PDCS Consultation FAQs

Cotswold District Community Infrastructure Levy
Preliminary Draft Charging Schedule Consultation
FREQUENTLY ASKED QUESTIONS

What is this consultation about?

Cotswold District Council is consulting on the Community Infrastructure Levy Preliminary Draft Consultation Schedule

CIL is a new charge that local authorities can place on new development. The levy will be used to fund infrastructure to support growth.

Before a Charging Schedule can be adopted by the Council it must be subject to two rounds of public consultation and an Examination in Public.

This consultation is the first stage of the consultation process.

The Council has prepared a Preliminary Draft Charging Schedule (PDCS) along with the supporting evidence base documents. The PDCS sets out the [proposed charging rates for Cotswold District Council. The Council invites comments on the Preliminary Draft Charging Schedule.

How long does the consultation last?

The consultation will be available for comment for 6 weeks from

Monday 27th June 2016 to Monday 8th August 2016 at midnight.

Comments submitted after that time will not be considered.

Why should I comment?

A charging schedule can be produced by a charging authority or a group of charging authorities. The process for preparing the schedule is similar to that which applies to a Development Plan Document. Consultation with the local community must be undertaken on a preliminary draft schedule and then a draft schedule. These consultation stages allow for the consideration of the proposed levy rates.

The CIL PDCS is relevant to everyone who lives in, or who uses services within, the District. Whether you use schools, health facilities, transport or any other resource, CIL money can be used as funding. The purpose is to help improve and expand these services. CIL is designed as a simple process to collect money towards these facilities.

As a guide, this consultation is looking for comments on:

- The proposed CIL rates – have we set them at the right level?
- What will the impact on development be?
- Are the types of development being charged the right ones?
- Which types of facilities need funding?

Consultation Documents A

Is this the same consultation as the Local Plan?

No, this is a separate consultation. If you wish to comment on the Local Plan you must do so on the Local Plan Reg 19 Consultation page.

How does the CIL PDCS relate to the Local Plan?

When adopted, the Charging Schedule will stipulate in respect of various categories of development the levy that will need to be paid by developers. The purpose of the levy is to assist in closing the “funding gap” arising from the cost of provision of infrastructure and the funding available to deliver it. The link with the Local Plan, therefore, is that the levy is required to help in delivery of proposals and policies over the plan period.

Where can I find the evidence underpinning the PDCS?

The PDCS must have up to date evidence to inform the proposed charges. The most pertinent documents are:

- The Cotswold District Whole Plan Viability Study April 2016
- The Cotswold District Infrastructure Delivery Plan 2014 and 2016 Update
- The Cotswold IDP Update 2016 Infrastructure Funding Gap Analysis.

These documents can be found on the CIL PDCS consultation page.

What happens when people comment on the PDCS?

The Council will consider all the comments received during the consultation period. Following this, the Council will produce a Draft Charging Schedule (DCS) that will be subject to a further round of public consultation (see FAQ1).

Why does Cotswold District Council need CIL?

The Government has decided that a tariff-based approach provides the best framework to fund new infrastructure. CIL is considered to be fairer, faster and more certain and transparent than the current system of planning obligations which are generally negotiated on a ‘case-by case’ basis. Levy rates that will be set in consultation with local communities and developers will provide much more certainty ‘up front’ about how much money developers will be expected to contribute.

Statistics show that under the system of planning obligations only six per cent of all planning permissions nationally (usually the largest schemes) brought any contribution to the cost of supporting infrastructure. Through CIL, the majority of projects will make a contribution towards additional infrastructure that is needed as a result of development.

Why is the Chesterton Strategic Site “zero rated” for CIL purposes?

The scale of development on the Chesterton Strategic Site brings with it a significant list of infrastructure requirements, such as the need for a new school, new community facilities, highways improvements and the provision of new open space. To ensure the site is developed sustainably, it will be necessary to deliver the full infrastructure requirements on site, or off-site where it can be shown to be directly related to the development.

The evidence to date has led specialist consultants to advise the Council that the cost of providing the on-site infrastructure necessary to enable the Chesterton site to meet its requirements is such that an additional levy may threaten the economic viability of the development. The proposal for the Chesterton Strategic Site to have a zero rate of CIL could provide the necessary certainty that all infrastructure required to make the development acceptable, in planning terms, will be delivered. Infrastructure requirements would therefore be set out in a detailed s106 agreement.

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Will the Chesterton planning application be determined before the CIL is implemented?

Prospective developers are entitled to submit proposals at any time, and there is always the possibility that key proposals will emerge before a development plan is adopted.

The Chesterton planning application was received and validated in January 2016. The Council is required to determine major planning applications (accompanied by Environmental Impact Assessment) within 16 weeks unless the applicant agrees to an extension of time. An applicant may appeal to the Planning Inspectorate if the application is not determined within the agreed timescale. The Local Plan will not be adopted until 2017. It is therefore possible that the Chesterton planning application will be determined before the Local Plan reaches that stage.

How do I make my views known?

There are different ways to send in your comments:

- Online at <http://consult.cotswold.gov.uk> This is the most convenient means of submitting comments and ensures that you will be kept informed of future stages of plan preparation.
- Via email or post. A representation form can be used, which is available from the District Council and libraries. The form should be sent to localplan@cotswold.gov.uk or posted to:

CIL PDCS Consultation, Forward Planning Team, Cotswold District Council, Trinity Road, Cirencester, GL7 1PX

Remember: the deadline for all comments is midnight on Monday 8th August 2016.

Please note: comments can only be deemed legitimate ("duly made") if they are received in a written format with a name and address supplied. Comments made verbally or anonymously cannot be accepted. It is also important to appreciate that the Council is obliged to make all duly-made representations available for public inspection on its website.

Where can I see the documents?

As well as the public events above, the consultation document can be seen at the following locations:

- Cotswold District Council Offices, Trinity Road, Cirencester
- Moreton Area Centre, Moreton-in-Marsh
- All public libraries in the District

The consultation document and other evidence papers can be viewed online at:

www.cotswold.gov.uk/go/forwardplanning

Can I buy a copy?

A copy of the CIL Preliminary Draft Charging Schedule: June 2016 can be purchased from Cotswold District Council, cost - £1 inc p&p

Consultation Documents A

General CIL FAQs

- [What is the Community Infrastructure Levy \(CIL\)?](#)
- [What are the benefits of the Community Infrastructure Levy?](#)
- [Why should development pay for infrastructure?](#)
- [What is infrastructure?](#)
- [Do Councils have to implement CIL?](#)
- [How does a charging authority set a rate for their levy?](#)
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- [I will be submitting a planning application. How can I find out more about CIL and what I need to do for my planning application submission?](#)
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- [How will CIL be monitored?](#)
-

What is the Community Infrastructure Levy (CIL)?

The Community Infrastructure Levy is a new planning charge, introduced by the Government through the Planning Act 2008 to provide a fair and transparent means for ensuring that development contributes to the cost of the infrastructure it will rely upon, such as schools and roads. The levy applies to most new buildings and charges are based on the size and type of new floorspace.

What are the benefits of the Community Infrastructure Levy?

The Government has decided that a tariff-based approach provides the best framework to fund new infrastructure. CIL is considered to be fairer, faster and more certain and transparent than the current system of planning obligations which are generally negotiated on a 'case-by case' basis. Levy rates that will be set in consultation with local communities and developers and will provide much more certainty 'up front' about how much money developers will be expected to contribute.

Statistics show that under the system of planning obligations only six per cent of all planning permissions nationally (usually the largest schemes) brought any contribution to the cost of supporting infrastructure. Through CIL, all but the smallest building projects will make a contribution towards additional infrastructure that is needed as a result of development.

Why should development pay for infrastructure?

Almost all development has some impact on the need for infrastructure, services and amenities so it is only fair that such development pays a share of the cost.

A Consultation Documents

What is infrastructure?

Infrastructure which can be funded by the levy includes schools, transport, flood defences, hospitals, community facilities and other health and social care facilities. This definition allows the levy to be used to fund a very broad range of facilities such as play areas, parks and cultural and sports facilities and gives communities flexibility to choose what infrastructure they need.

The Levy can be spent on 'the provision, improvement, replacement, operation or maintenance of infrastructure'.

Do Councils have to implement CIL?

Local authorities in England and Wales will be empowered, but not required, to levy on most types of development in their areas. It should be noted that in 2015 limitations to Section 106 planning obligations came into force.

How does a charging authority set a rate for their levy?

Charging authorities must produce a document called a charging schedule which sets out the rate for their levy. This is a new type of document within the folder of documents making up the Council's Local Plan but will not be part of the statutory development plan.

The levy is intended to encourage development by creating a balance between collecting revenue to fund infrastructure and ensuring that the rates are not so high that they put development at serious risk. The Council draws on the infrastructure planning that underpins the development strategy for the area to help identify the total infrastructure funding gap.

Rates set should be supported by evidence, such as the economic viability of new development and the area's infrastructure needs. One standard rate can be set or, if justified, specific rates for different areas and types of development can be established. The ability to set differential rates gives charging authorities more flexibility to deal with the varying circumstances.

Consultation with the local community must be undertaken on the draft schedule and the proposed levy rates. A public examination by an independent person is then required before the charging authority can formally approve it.

What is the relationship between CIL and planning obligations?

Planning obligations (funding agreements between the local planning authority and the developer) will continue to play an important role in helping to make individual developments acceptable. However, reforms have been introduced to restrict the use of planning obligations.

The CIL is intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms. As a result, there may still be some site specific impact mitigation requirements without which a development should not be granted planning permission (e.g. affordable housing, local highway and junction improvements and landscaping). Therefore, there is still a legitimate role for development planning obligations to enable a local planning authority to be confident that the specific consequences of development can be mitigated.

What development is liable for CIL?

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Development will be liable for CIL if it:

- Involves new build of at least 100m² gross internal area (GIA) floorspace; or
- Involves the creation of one or more dwellings.

This includes development permitted by a 'general consent' (including permitted development).

Development will not be liable for CIL if it:

- Involves only change of use, conversion or subdivision of, or creation of mezzanine floors within a building which has been in lawful use for at least six months in the 3 years prior to the development being permitted and does not create any new build floorspace; or
- Is for a building into which people do not normally go, or go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery; or
- Is for a structure which is not a building, such as pylons or wind turbines; or
- Is permitted by a 'general consent' (including permitted development) commenced before 6th April 2013; or
- Is for a use which benefits from a zero or nil charge (£0/m²) as set out in a CIL Charging Schedule

Who is liable to pay the levy?

The responsibility to pay the levy rests with the ownership of land on which the liable development will be situated. Although liability rests with the landowner, the regulations recognise that others involved in a development may wish to pay. To allow this, anyone can come forward and assume liability for the development.

How is the levy paid?

The charge is levied in £ / m² on the net additional increase in floorspace. It will normally be collected as a monetary payment, although there is also provision for it to be paid by transfer of land to the local authority if certain criteria are met.

Is VAT applied to CIL charges?

The charge levied in £ / m² on the net additional increase in floorspace for the CIL is exempt from VAT.

How will proposed levy rates respond to factors such as inflation?

In calculating individual charges for the levy, charging authorities will be required to apply an annually updated index of inflation to keep the levy responsive to market conditions.

How is the levy collected?

The levy's charges become due from the date of commencement of a chargeable development. When planning permission is granted, the Council will issue a liability notice setting out the amount of the levy and the payment procedure. Unlike contributions collected through S106 agreements there is no time constraint for the spending of monies collected through CIL.

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Can CIL be paid in instalments?

Yes if the Council adopts an instalments policy. The Council is currently considering this.

How will payment of the levy be enforced?

The levy's charges are intended to be easily understood and easy to comply with. Most of those liable to pay the levy are expected to pay their liabilities without problem or delay. However, where there are problems in collecting the levy charging authorities will have the means to penalise late payment. In cases of persistent noncompliance the regulations also enable collecting authorities to consider more direct action such as the issuing of a CIL Stop Notice or applying to the courts for seizure of assets to pay the outstanding monies or for custodial sentences.

Will a development be liable to pay CIL if planning permission is granted before a CIL Implementation date is adopted?

No. There is no CIL liability for a planning permission if that planning permission was granted before the CIL implementation date. The relevant date is the date of the issuing of the planning permission decision notice.

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I will be submitting a planning application. How can I find out more about CIL and what I need to do for my planning application submission?

The District Council has not adopted CIL yet, therefore there is no charge currently payable. The District Council will prepare some detailed guidance notes for applicants to help guide them through submission of planning applications and the related CIL documentation.

Is there any relief from CIL?

In accordance with the Regulations the following development may receive relief from CIL:

- Charitable development
- Social housing development
- Self-build development
- Self-build residential annex or extension

Guidance notes will be made available to explain the process for claiming relief.

How will the levy be spent?

Charging authorities are required to spend the levy's revenue on what they see as the infrastructure needed to support the development of their area. The assessment of 'need' will largely be informed by the Infrastructure Delivery Plans (IDPs) published by each authority alongside their Local Plans. The levy is intended to focus on the provision of new or improved

Consultation Documents A

infrastructure and should not be used to remedy pre-existing deficiencies unless those deficiencies will be made more severe by new development.

How will local neighbourhoods benefit from CIL?

Charging authorities must allocate a 'meaningful proportion' of levy revenues raised in each neighbourhood back to that neighbourhood. This will ensure that where a neighbourhood experiences a new development, it receives sufficient money to help it manage the resulting impacts on the locality.

Is there a mechanism for the CIL to be spent outside of the charging authority?

Charging authorities may pass money to bodies outside their area to deliver infrastructure which will benefit the development of their area, such as the Environment Agency for flood defence or, in two tier areas such as Gloucestershire, the county council, for education and transport infrastructure. Charging authorities will also be able to collaborate and pool their revenue from their respective levies to support the delivery of 'sub-regional infrastructure'.

How will CIL be monitored?

To ensure that the levy is open and transparent, charging authorities must prepare short reports on the levy for the previous financial year which must be placed on their websites by 31st December each year. These reports will set out how much revenue from the levy has been received, what it has been spent on and how much is left.

Figure 11 CIL PDCS FAQs

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Appendix B Table of Representations

Comment ID	Comment	Council Response / Action
39	Thank you for consulting Highways England on the Cotswold District Community Infrastructure Levy: Preliminary Draft Charging Schedule. We have no comment at this stage.	Comment noted.
11	<p>The Town Council has considered the following issues in relation to the document: - Neighbourhood Plan The greatest potential CIL contributions will arise from the Strategic Site, however, this has been charged as a zero rate. The remaining CIL from development within the town's boundaries would result in a 15% fee for the Town Council which would go up to 25% if a Neighbourhood Plan was in place. The Town Council may produce a Neighbourhood Plan once the Local Plan has been adopted. It is well on the way towards this goal and the adopted Planning Policy Statement could form the basis of a Neighbourhood Plan. The principle of transferring CIL for locally determined priorities should be carried forward in Cirencester. As long as there is no Neighbourhood Plan in place, the Planning Authority should ensure that at least 15% of developer contributions can be controlled by the Town Council to be put towards its locally identified priorities. If a Neighbourhood Plan is produced, the Planning Authority should ensure that 25% of developer contributions can be similarly managed by the Town Council. - How well the draft Reg. 123 list sits beside the Town Council's stated infrastructure objectives as set out in the Planning Policy Statement</p> <p>The Town Council has identified its own infrastructure priorities in the Planning Policy Statement. These are too detailed to feature in the IDP. The Town Council has adopted the Planning Policy Statement. That contains an Appendix 1 which, when completed, would be the key to securing significant benefits from development for Cirencester in the long</p>	<p>Cotswold District Council acknowledges the need to provide more information to Town and Parish Councils on how CIL will work through a workshop and ongoing partnership working.</p> <p>Regulation 123 of the CIL Regulations 2010 (as amended) indicates that a charging authority can publish on its website a list of infrastructure or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL. This list in itself is not examined by the Inspector. The infrastructure listed will no longer be secured through s106 planning obligations or through s278 of the Highways act. The intention is to ensure that there is no duplication in the use of both CIL and s106 from the same application for development for the same infrastructure project.</p>

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Comment ID	Comment	Council Response / Action
	<p>term. It will be created in partnership between the Town Council, community groups and other stakeholders including the planning authority. The 123 list should complement, and where possible, assist in delivering locally identified infrastructure priorities where these do not relate to the (excluded) strategic development, for instance: Highways infrastructure and sustainable transport infrastructure that will benefit the wider District; Higher education facilities that will benefit the wider District; Flood management that affects the wider catchment area; Special social and community facilities that may address a wider population than Cirencester (for instance specialist care homes or an expansion of the hospital); Conservation and enhancement of nationally recognised historic infrastructure (such as Scheduled Ancient Monuments); Strategic "blue light" infrastructure that supports a wider population than Cirencester. The planning authority should work closely with the Town Council to identify strategic infrastructure that may be located in Cirencester but serves a wider catchment area. CIL collected elsewhere in the District may need to be directed towards Cirencester for the wider benefit of the District.</p>	<p>The list does not signify a commitment by the Council to deliver the project, nor does it indicate CIL spending priorities. The list will be subject to regular review.</p> <p>The Council could offer more guidance on the Reg 123 list through a workshop.</p> <p>The draft Reg 123 list will be reviewed.</p>
42	<p>I write on behalf of GWR, who operate rail services on the North Cotswolds Line (linking the north of the District to Hereford, Worcester, Oxford and London) and from Cheltenham, Stroud and Kemble through to Stroud, Swindon and onto London. The lines represent the primary rail services available to residents of Cotswolds District and development within the District will create additional demand for and place further pressure on the already constrained facilities at Cheltenham, Kemble, Moreton in Marsh and Kingham stations. Where planning consent is granted for residential developments, sufficient investment in the station facilities should also be secured to enable stations to support the generated demand and make rail travel an attractive alternative to the private car. The North Cotswolds Line In recent years demand for rail travel on the North Cotswolds line has</p>	<p>Regulation 123 of the CIL Regulations 2010 (as amended) indicates that a charging authority can publish on its website a list of infrastructure or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL. This list in itself is not examined by the Inspector. The infrastructure listed will no longer be secured through s106 planning obligations or through s278 of the Highways act. The intention is to ensure that there is no duplication in the</p>

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Comment ID	Comment	Council Response / Action
	<p>grown substantially and there are plans for timetable improvements and the introduction of new high speed trains which will generate further demand. By December 2018 a regular hourly service on the line, with additional services in the morning and evening peaks and new Super Express Trains will be progressively introduced to the line in 2017 and 2018. Both of these improvements will deliver an increase in capacity of services on the line, both through individual trains having additional seating capacity and through the operation of additional services. The introduction of new trains will also deliver faster journey times, for example from Moreton-in-Marsh to London Paddington in 90 minutes. However, growth in passenger numbers is suppressed by a lack of available car parking capacity, relatively poor public transport connections and a limited walking and cycling catchment. Kingham, whilst in West Oxfordshire, serves a large number of CDC residents. An expansion of car parking facilities was completed in September 2015 and is now 80% full Tuesday to Thursday. The rural nature of the station means that future growth is dependent on additional car parking and improved public transport connections. Car parking at Moreton-in-Marsh too is under pressure and will likely be at capacity in the short term. It is therefore essential that funding is secured to enable access improvements, including car parking, through developments that generate additional demand for station facilities. Cheltenham and Kemble Growth is also constrained at Cheltenham and Kemble stations, through a lack of available car parking capacity and for the latter, an absence of frequent public transport connections. Whilst GWR is progressing projects to increase car parking at both stations which are planned to be delivered in the next two years, these will cater for existing suppressed demand and for expected increases that will be generated through the introduction of a new fleet of Intercity Express Trains on long-distance services across the GWR network starting in 2017. Further expansion of car parking facilities will be essential to enable the stations to play a substantial role in meeting the travel demands created</p>	<p>use of both cIL and s106 from the same application for development for the same infrastructure project.</p> <p>The list does not signify a commitment by the Council to deliver the project, nor does it indicate CIL spending priorities. The list will be subject to regular review.</p> <p>The Council could offer more guidance on the Reg 123 list through a workshop.</p> <p>The draft Reg 123 list will be reviewed.</p>

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Comment ID	Comment	Council Response / Action
	<p>by the proposed development. At Kemble, an improved bus service linking the station with Tetbury and Cirencester (and particularly the proposed Chesterton development) is key. This has the potential, if well integrated with rail service arrival and departures times, to become commercially viable if funding can be secured to support the service whilst demand builds up. Funding CIL and S106 funding are increasingly important in delivering station improvements, car park expansions and improvements to commuter bus services. The structure of the UK rail industry is such that projects often require the pooling of resources and the bringing together of many different funding streams to progress. Residential developments in particular must contribute to expanding station capacity to cater for their generated demand and GWR therefore ask that Cotswold District Council secure and allocate funding for such projects through both CIL and S106. GWR would welcome the opportunity to work with Cotswold District Council to further develop the proposals outlined above.</p>	
24	<p>MORETON TOWN COUNCIL WELCOMES THE CONSULTATION FOR MORE EFFICIENT INFRASTRUCTURE CHARGES THROUGH THE INTRODUCTION OF CIL</p>	<p>Comment noted.</p>
90	<p>Viability Evidence and CIL Charge It is noted that viability evidence has been produced by HDH Planning & Development on behalf of the Council. Whilst we have not sought to scrutinise this evidence in detail, it is noted that an assumption of £2,000/dwelling of S106 payments has been used in these calculations. In our experience this seems low and we are concerned that this has been underestimated. The report states that this figure reflects the fact that the average amount collected per unit through s106 over the last three years is just under £3,000/unit (median £2,000/unit). The Council have collated this information outside the viability report and therefore we are unable to consider the validity of this calculation. However, given the number of smaller sites in the District which might not have been</p>	<p>The scaling back of s106 is expected due to the introduction of CIL. The comments made relate to the Viability evidence and approach. The s106 assumption is not calculated - it is estimated. Past rates of s106 are not a good indication of future payments as CIL Regulation 122 and CIL Regulation 123 now apply. See 7.28 to 7.30 of the Viability Assessment.</p>

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Comment ID	Comment	Council Response / Action
	<p>subject to S106 (or alternatively, very low levels), we would query as to whether the figure includes these units in the 'average' thereby underestimating the average paid per dwelling, particularly on larger development schemes.</p>	
90	<p>It would be useful to have access to this information to make informed representation.</p>	<p>This will be provided. It is also part of the evidence needed at Examination.</p>
90	<p>Furthermore, it is noted that the strategic site at Chesterton is expected to pay S106 of circa £13,872 per dwelling, demonstrating increased s106 costs for larger sites. It is also noted that within the viability report, along with the strategic site, the 'large greenfield' site example was struggling to meet the viability threshold even at zero CIL (both of these scenarios having an amber rating). We would therefore question the viability of £80 per sq. m on this type of site as the viability evidence does not appear to support that level of contribution in addition to the requirement for 40% affordable housing. Indeed, this would be compounded further should S106 requirements also increase beyond the assumed low value of £2,000 per dwelling, the application of which on larger sites we consider to be flawed. The evidence based documents point to the additional infrastructure burdens on strategic sites. However, in our experience larger greenfield sites can also have significant infrastructure costs in comparison to smaller sites. Therefore, given the marginal viability of this site type in HDH's report, we question the viability of the £80/sq m on this type of site.</p>	<p>The Chesterton site, in terms of development in the CDC area is exceptional due to its scale. The s106 are site specific and meet the requirements of CIL Regulations 122 and 123. There is no evidence that the Council could ask for anything like this amount on the general development - we understand that this is largely due to the pooling restrictions in CIL Regulation 123. The Comment is correct in picking up that the larger sites are close to the limits of viability - but it is also worth noting that excluding the Chesterton site there is only one site of 80 or more units and one site in the 50 to 70 units category - all the other sites are less than 50 units - as set out in Figure 9.2 of the Viability Assessment.</p>
90	<p>It is noted that some of CDC's neighbouring authorities (i.e. Vale of White Horse) has a significantly lower CIL charge for sites of more than 10 dwellings and a higher charge for smaller sites. Given the evidence produced by HDH, a similar approach would seem to be supported in CDC.</p>	<p>HDH did the VoWH Viability study. This is a very different area with a range of different pressures. The VoWH study has been examined as part of the Local</p>

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Comment ID	Comment	Council Response / Action
90	<p>Recommendation: We are concerned that the proposed CIL charge of £80 per sq m in addition to S106 requirements and a higher level of affordable housing will render large greenfield developments unviable in the District. As such, it is recommended that further evidence be provided in this regard, with consideration for a lower CIL charge on larger sites to be considered on the basis of the Council's own evidence base.</p>	<p>The test for is whether the development plan is put at 'serious risk'. Only 2 sites fall into the larger site category so even if they were not to come forward (although unlikely) - this is a very small proportion of the overall plan.</p>
26	<p>We note there is no direct reference to health facilities (although we recognise that facilities such as green infrastructure, social and community infrastructure will have a positive impact on health). It is worth noting that in community consultation maintenance of road system tends to be a high priority.</p>	<p>Regulation 123 of the CIL Regulations 2010 (as amended) indicates that a charging authority can publish on its website a list of infrastructure or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL. This list in itself is not examined by the Inspector. The infrastructure listed will no longer be secured through s106 planning obligations or through s278 of the Highways act. The intention is to ensure that there is no duplication in the use of both CIL and s106 from the same application for development for the same infrastructure project.</p>

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Comment ID	Comment	Council Response / Action
1	<p>With this proposal, it seems that only some of the monies received from a CIL will be passed directly back to the communities where the development takes place. With no guarantee that the community will see all of the money. With the current arrangements, Section 106 Agreements, schools receive funding from the developer via the Education Dept at Glos CC who hold the pot of money on behalf of the school. The money is ring fenced and held by GCC for a specific school and is not interchangeable. Under the new CIL arrangements, the school is not named on the funding agreement and the money is interchangeable. So, how will the CIL funds be allocated? What steps will be put in place to safeguard the interests of academy schools who are outside of GCC control? Will they receive a percentage of the CIL agreements automatically? If so, how?</p>	<p>The list does not signify a commitment by the Council to deliver the project, nor does it indicate CIL spending priorities. The list will be subject to regular review.</p> <p>The Council could offer more guidance on the Reg 123 list through a workshop.</p> <p>The draft Reg 123 list will be reviewed.</p>
93	<p>Affordable housing will be excluded from the CIL payments and no payment will be received in respect of those dwellings. Given affordable housing broadly represents 50% of the total number of dwellings in any major development, and that those residents have the same impact upon infrastructure as those in non-affordable homes, this is likely to have a major impact upon the ability of local infrastructure to keep pace with such development. It will particularly disadvantage those communities where</p>	<p>Gloucestershire County Council is a key partner in infrastructure delivery, including delivery of education. GCC will be involved in producing the Implementation mechanism of CIL to ensure that education and other infrastructure that they deliver are funded appropriately, either through s106 or CIL.</p> <p>The draft Reg 123 list will be reviewed.</p> <p>CIL unlike s106 is not directly related to the development. Choices can be made about where the Council spend the CIL to support the overall growth of the area. Also social housing relief is determined by central Govt. Social housing relief is considered by the social housing</p>

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Comment ID	Comment	Council Response / Action
	<p>the larger developments take place, where affordable housing dwellings can run into very large numbers. This disadvantage is unlikely to be offset by the introduction of payment on smaller scale developments above 100m sq where no payment currently exists.</p>	<p>providers to facilitate greater numbers of units. This achieves another of CDCs objectives.</p> <p>Cotswold District Council will need to provide more information to Town and Parish Councils on how CIL will work through a workshop and ongoing partnership working.</p>
2	<p>Any levy raised should be applied for the benefit of the community affected by the Planning Consent.</p>	<p>CIL must be used to support development in the District in accordance with the regulations and guidance. The Parish/Town Councils will be able to directly spend a proportion of the CIL.</p>
80	<p>Discretionary Exceptional Circumstances Relief We recommend that the Preliminary Draft Charging Schedule includes a discretionary relief for exceptional circumstances. This does not necessitate the entire CIL charge being afforded relief, but rather that the amount necessary to make development viable is discounted. Exceptional circumstances will be important on sites irrespective of their size. It is evident that in some instances a cross-subsidy mechanism would be required to bring forward land for development; the market housing required for this should be the minimum to make the development viable. However, if CIL is required to be paid on the market element of a scheme, this may significantly alter the number of market units required to bring the development forward. This results in the perverse situation of requiring additional market housing to pay CIL, on a scheme being brought forward principally for the delivery of affordable housing. We urge the Council to consider including the discretionary social housing relief which can offer an alternative delivery</p>	<p>The viability assessment indicated that a cautious approach to rate setting has been taken which will be robust throughout the economic cycle- however should there be any potential future issues exceptional circumstances relief can be switched on. In terms of discretionary social housing relief - this is a policy decision for the council to consider. Further work required.</p>

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Comment ID	Comment	Council Response / Action
77	<p>method, whereby that tenure can be used to subsidise other affordable tenures.</p> <p>We also strongly recommend that the Preliminary Draft Charging Schedule incorporates a social housing relief policy. Whilst this type of housing would represent a small part of overall development across the District, it is a sector of affordable housing which is growing exponentially, as its ability to provide affordable housing with nil-grant and outside of the scope of s106 provision means that the model is being embraced and encouraged across the South West. It is also providing a model for development whereby 100% affordable schemes consisting of just low cost homes for sale can come forward, both through a Registered Provider but also through private sector or third sector developments. The Council should be encouraging this delivery model, and as such allowing for discretionary relief. We encourage the Council to investigate the viability of this particular housing type, and the implications of CIL on its delivery across the Plan area.</p>	<p>Social housing relief is a mandatory discount that applies to most social rent, affordable rent, intermediate rent provided by a local authority or Private Registered Provider, and shared ownership dwellings. Subject to meeting specific conditions, social housing relief can also apply to discounted rental properties provided by bodies which are neither a local authority nor a private registered provider. Regulation 49 (as amended by the 2015 Regulations) defines where social housing relief applies. A charging authority may offer separate, discretionary, relief for affordable housing types which do not meet the criteria required for mandatory social housing relief and are not registered under the National Rental Register. Regulations are applied to the scope of the District Council's charging authority and delivered delivery of funds to deliver infrastructure. This is a policy decision for the Council to make. Further work required.</p>
18	<p>What factors would CDC consider if allowing payment of CIL by instalments? Would total amount payable vary if CIL is paid by instalments? And would CDC take into account impact on timing for delivery of infrastructure?</p>	<p>This is a policy decision for the Council to make. Further work required.</p>
76	<p>Instalments Policy : We note the Viability Assessment's firm recommendation to introduce an Instalments Policy within CIL; the study</p>	<p>This is a policy decision for the Council to make. Further work required.</p>

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	<p>adds: not to do so could put the Development Plan at serious risk . We strongly encourage the Council to implement an instalments policy, allowing developers to spread the cost of the charge over a longer development period. In our experience this can greatly improve cash flow when developing sites of all sizes.</p>	
3	<p>The "meaningful proportion" as defined by the Government is far too low and at 15% or 25% cannot be said to be meaningful! A far higher proportion should be allocated to the immediate neighbourhood.</p>	<p>The 'meaningful proportion' is clearly set out in the Regulations. Cotswold District Council acknowledges the need to provide more information to the Community , as well as Town and Parish Councils on how CIL will work through a workshop and ongoing partnership working.</p>
28	<p>Under Government rules, communities will receive 15% of CIL contributions (25% where there is a Neighbourhood Development Plan in place). There is a need for a clear policy and process in place for payment to ensure that communities receive the correct proportions of CIL and that there are clear timescales for when neighbourhood payments will be forwarded to Parish/ Town Councils once received by CDC. The positions of parish meeting needs to be made clear.</p>	<p>Cotswold District Council acknowledges the need to provide more information to the Community , as well as Town and Parish Councils on how CIL will work through a workshop and ongoing partnership working. Parish Meetings do not receive CIL therefore the Council will need to review how the meaningful proportion will be fairly spent in those areas.</p>
29	<p>WE NOTE THE STATEMENT THAT~ THE CIL REGULATIONS REQUIRE THE COUNCIL TO ALLOCATE A "MEANINGFUL PROPORTION" OF CIL TO THE NEIGHBOURHOOD FROM WHICH THE FUNDS ARE RAISED. IN 2013 THE GOVERNMENT DEFINED "MEANINGFUL PROPORTION"</p>	<p>The 'meaningful proportion' is clearly set out in the Regulations. Cotswold District Council acknowledges the need to provide more information to Town and</p>

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96	<p>TO BE A MINIMUM OF 15% CAPPED AT £100 PER EXISTING RATEABLE DWELLING OF CIL INCOME ARISING IN A PARISH OR TOWN COUNCIL AREA AND 25% IN AREAS WITH A NEIGHBORHOOD PLAN OR NEIGHBORHOOD DEVELOPMENT ORDER GIVEN THAT MORETON IS THE LARGEST OF THE NORTH COTSWOLD TOWNS AND WHOSE DEVELOPMENT TARGETS HAVE BEEN SET AT THE HIGHEST LEVELS IN OUR AREA WE WOULD RAISE THE QUESTION AT WHAT % WOULD CDC BE INTENDING TO SET MORETON'S MEANINGFUL PROPORTION? WE WOULD EXPECT THIS TO BE LESS THAN 25% GIVEN THE LACK OF A NEIGHBOURHOOD PLAN BUT CERTAINLY MORE THAN THE MINIMUM OF 15% GIVEN THE LEVELS OF NEW INFRASTRUCTURE THAT WILL BE REQUIRED BY THE SCALE OF THE PROPOSED DEVELOPMENTS.</p> <p>All local councils are under considerable pressure to take on more and more responsibility for the provision of services and facilities in light of budget cuts to county and district authorities, as well as the threat of precept capping. It is therefore only reasonable that all local councils should benefit from CIL payments in each instance of development without having to produce detailed justifications. This is consistent with the objective of achieving a transparent process that enables monies to be spent in the community every time development takes place. Accordingly, the Council would strongly favour a fixed proportion of each CIL payment automatically being paid over to the relevant community in the form of a contribution to the local council. This community payment should be fixed at 15%, with the onward payment also being subject to being made within a fixed timeframe.</p>	<p>Parish Councils on how CIL will work through a workshop and ongoing partnership working.</p> <p>This is the process as stated in the Regulations.</p> <p>Cotswold District Council acknowledges the need to provide more information to Town and Parish Councils on how CIL will work through a workshop and ongoing partnership working.</p>

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97	On balance, the Parish Council is in favour of the proposed changes, but would like to see the uncertainty regarding onward payment to local communities being removed through the introduction of the requirement for an automatic onward payment per development. On that basis, the process will be clear and transparent and will facilitate administration and payment of all developer contributions, which is currently a very grey area.	Cotswold District Council acknowledges the need to provide more information to Town and Parish Councils on how CIL will work through a workshop and ongoing partnership working.
14	It makes sense that neighbourhoods from which funds are raised are allocated the majority of funds rather than it going elsewhere. Local knowledge can then determine the best use of these funds whether it is infrastructure, local needs or future requirements.	The 'meaningful proportion' is clearly set out in the Regulations. However, Cotswold District Council acknowledges the need to provide more information to Town and Parish Councils on how CIL will work through a workshop and ongoing partnership working.
15	Northleach is developing a Neighbourhood Plan and has consulted with residents on local needs. There is therefore a local requirement for funds to support development such as car parks and better drainage that may otherwise not happen.	Identification of local needs related to growth is to be encouraged. This can be the basis of effective use of the neighbourhood proportion.
47	Infrastructure Delivery Plan 'Comment: Additional 'critical' infrastructure provision including improvements to address existing inadequacies of the sewer systems is necessary in Fairford in order to ensure that the Local Plan strategy, including additional housing allocations that are not identified in the latest version of the IDP, is sustainable. Depending on the outcome of current investigations on the connectivity of the highway/surface drains and foul sewers, it needs to be determined to what extent this should be funded through Thames Water's regulatory budgeting process and/or Community Infrastructure Levy sources. We also have some specific comments on the revised Infrastructure Delivery Plan (April 2016), which is closely related to this- See Appendix A (following)	Passed to IDP Consultants for consideration in the next iteration.

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Comment ID	Comment	Council Response / Action
51	<p>Comments on Infrastructure Delivery Plan April 2016 General . There seems to have been little if any formal consultation on this to ensure that it is based on up-to-date information and in line with current community priorities. This is very concerning. 2.112 What are the 2 ~community centres' referred to in Fairford? Education - there is a potential need for significant expansion of early years and Primary schools in Fairford following recent developments Transport . It is not clear what improvements are proposed at the A417/Whelford Road junction and how these will relieve existing local traffic issues in Fairford. There may be a need for more money to fund other improvements (to be determined) on the route from this point to the A419 near Cricklade and Latton, which would presumably need to be undertaken jointly with Wiltshire Council. Flood management, water supply and waste water . Studies are currently being carried out jointly by Thames Water and GCC to determine the extent of surface/highway drainage in-feeds to the foul sewer system and the measures that may be needed to prevent further sewer flooding and sewage pollution of the river. Provision needs to be made for significant expenditure which may fall to GCC as the highway authority, once estimates are available and responsibilities are determined. It is unlikely that this can all be recovered from new housing developments, although these add to the sewage pollution which occurs under storm conditions. The housing growth figures in Appendix B1 need to be updated to take account of the latest housing allocations.</p>	<p>Passed to IDP Consultants for consideration in the next iteration.</p>
50	<p>Comment: The above additions/changes (in rep 47 and 51) require a review of the funding gap analysis and therefore the proposed charging rates.</p>	<p>Proposed charging rates do not in reality relate to the funding gap- it is solely determined on the viability. However, Cotswold District Council acknowledges the need to provide more information to</p>

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37	<p>Comments on the Infrastructure Delivery Plan: GCC has been involved in the updating of the Cotswold IDP. There are certain items in the IDP especially under the Healthcare heading which are not obviously then included within the CIL schedule as a potential infrastructure for funding. The costings under the heading Transport exclude sustainable transport measures and schemes. This gives a misleading total cost, under-representing the full cost. Items such as community facilities are referenced in the main IDP but excluded from the Funding Gap analysis. The funding gap totals £16.2m, of which at least £14.7m (90%) is County Council infrastructure. The proportion of the total infrastructure costs which is county infrastructure is significant at 70% to 80%. The recent updating of infrastructure requirements is welcomed. This provides a greater level of understanding and certainty on infrastructure provision at the Chesterton allocation which accounts for much of Cotswold District's proposed growth.</p>	<p>Town and Parish Councils on how CIL will work through a workshop and ongoing partnership working.</p> <p>Gloucestershire County Council is a key partner in infrastructure delivery, including delivery of education. Cotswold District Council will engage with GCC in producing the implementation mechanisms to ensure that the infrastructure they deliver will be funded appropriately, either through s106 or CIL.</p> <p>The draft Reg 123 list will be reviewed.</p>
19	<p>This paragraph is incorrect. The funding deficit of £9.8 is after a realistic estimate of receipts from CIL. Paragraph 4.3 states that it only after funding from non CIL sources. The Infrastructure Funding Gap Analysis June 2016 Paragraph 4.5.1 Figure 8 sets out the requirement of £21million and funding from non CIL and CIL sources. The estimate of receipt from CIL is derived from section 3 paragraph 3.1.5. and is estimated at £5,149,440 after parish councils have taken their 15% share. The Infrastructure Gap Analysis goes on to examine potential other sources of funding and concludes that to fill the funding gap of £9.8m will be very challenging.</p>	<p>This will be reviewed.</p>
34	<p>WE ALSO NOTE THAT THE IDP PROVIDES UP TO DATE ASSOCIATED COSTS WITHIN THE INFRASTRUCTURE REQUIRED TO DELIVER GROWTH IDENTIFIED IN THE LOCAL PLAN. THE ASSOCIATED</p>	<p>The purpose of the funding gap analysis is purely to establish the fact that there is a gap so that CIL can be introduced.</p>

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	<p>INFRASTRUCTURE COSTS BEING £21M. WE CAN SEE THAT THE IDP IDENTIFIES A FUNDING SHORTFALL OF £9.8M WITHOUT CIL AND WOULD LIKE TO KNOW WHAT ELEMENTS OF THAT SHORTFALL HAVE BEEN IDENTIFIED AS ASSOCIATED WITH OUR AREA SHOULD CIL NOT BE ADOPTED?</p>	<p>It is not a budget or a list of resource spending, nor does it prioritise spending. Therefore this information is not available in that format. Cotswold District Council acknowledges the need to provide more information to Town and Parish Councils on how CIL will work through a workshop and ongoing partnership working.</p>
92	<p>The proposed changes appear to offer the following possible benefits over the existing process: the application of a fixed levy will result in a more transparent and straightforward process which could offer a far greater degree of certainty for county, district and local communities; developers will benefit from being able to budget in advance for a known level of expenditure, which should assist in bringing forward development; - councils will benefit from being able to budget in advance from a known level of income and timescale for payment, and the process will remove one major uncertainty whereby local councils have missed out on payments due to error, or failed negotiations; local councils where the type and size of a development is usually below the current threshold for S106's currently receive no payments, yet small scale development in these communities is likely to have the same proportionate impact upon their infrastructure. These smaller communities will now benefit from CIL payments from all developments in excess of 100m².</p>	<p>Comment noted.</p>
88	<p>Further detail is required in respect of the future implementation of CIL, as follows: We have concerns in respect of the lack of policy detail relating to the proposed introduction of an Instalments Policy. The Council has not confirmed whether Exceptional Circumstances Relief will be made available, and on behalf of our client, we seek that the relief is enacted. We are of the opinion that Discretionary Social Housing Relief should be enacted.</p>	<p>Acknowledged. Further detail will be provided.</p>

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91	<p>Clarity should be provided in respect of the proposed potential for In Kind Payments and the process to be adopted on their implementation.</p> <p>This is a joint representation on behalf of McCarthy & Stone Retirement Lifestyles Ltd. the market leaders in the provision of retirement housing for sale to the elderly. It is considered that with its extensive experience in providing development of this nature, the company is well placed to provide informed comments on the emerging Cotswold District Council Community Infrastructure Levy {CIL}, insofar as it affects or relates to housing for the elderly. The CIL Guidance published in February 2014 by the Department for Communities and Local Government {DCLG} states consistently that 'Charging Authorities should set a rate which does not threaten the ability to develop viably the sites and scale of development identified in the relevant Plan' {Section 2.2}. The CIL Guidance also stresses the importance of this principle to individual market sectors that play an important role in meeting housing need, housing supply and the delivery of the Development Plan, such as specialist accommodation for the elderly. This is relevant in the context of Section 2:2:2:6 of the Guidance: "... Charging schedules with differential rates should seek to avoid undue complexity. Charging schedules with differential rates should not have a disproportionate impact on particular sectors or specialist forms of development". In light of the above 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 reservation on aspects of the viability evidence informing this appraisal. We note that the methodology followed was that recommended by the Retirement Housing Group {RHG} in their briefing note and we have no significant objections in this regards. Whilst we have suggestions which we feel would improve the robustness of this methodology, we consider the RHG's methodology to be broadly fair. We</p>	<p>The representation refers to the CIL Guidance dated February 2014. This has been superseded and the CIL Guidance is now part of the PPG. The first quote is from Reference ID: 25-008-20140612 and the second one is from Reference ID: 25-021-20140612.</p>

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	<p>are however concerned over a number of the viability assumptions used and these are as follows:</p>	
91	<p>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. A fairer representation would be to use a 'mid-point' {i.e. 25% for sheltered Retirement and 37.5% for Extra Care}.</p>	<p>The Council will pass this on for review by HDH consultants and further evidence gathered if required.</p>
91	<p>Consultants fee are considered to be low at 8% for the area. Due to the historic nature of settlements in the Cotswolds, there is little scope for standardised developments and a high standard of design is required. Consultant's fees of 10% are considered to be more appropriate.</p>	<p>The Council will pass this on for review by HDH consultants and further evidence gathered if required.</p>
91	<p>Construction of a development within 9 months is considered to be unrealistic, particularly for brownfield sites in historic settlements. We consider that a 12 months should be used as a minimum.</p>	<p>Construction period affects interest. The Report does use a 12 month period, which needs to be clarified.</p>
91	<p>We note and welcome that the appropriate BCIS build costs have been used for specialist older persons' housing (paragraph 7.10}. In our experience Cotswold District Council have requested an extremely high quality of design and high quality building materials, in particular Cotswold Stone, to reflect the special character of the area. This significantly increases build costs. We note the 15% uplift in build costs arising from the use of Cotswold Stone and would like to query whether this uplift has been provided to the BCIS construction costs for specialist housing.</p>	<p>It is not a requirement for retirement housing to be of stone and that whilst the most recent applications have included stone panels they have also included significant elements of brick and render – and in the more contemporary designs large elements of glass.</p>
91	<p>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. This is a significant issue for Extra Care developments in which care and catering staff are provided at the developer's expense whilst the development is still selling.</p>	<p>This is an interesting point - but one covered by management fees and care fees re-charged to the residents.</p>

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91	<p>Notably and perhaps of most concern is that the land values used strike us as being extremely low. Table 13.8 Older Persons' Housing- Appraisal Results shows that the threshold Land Value used for a 0.5 hectare brownfield site was £540,000. This is completely at odds with our experience of purchasing land in Cotswold District Council. It is my understanding that 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, provided that valuation attributed to existing uses are fair. Put into stark context, the proposed land cost for the site in the viability appraisals for Extra Care and Sheltered Retirement housing are little more than the cost of 1-2 apartments. Due to the nature of residents in specialist accommodation for the elderly, and in particular the frail elderly residents of Extra Care developments, they require well located sites that have good access links to shops, services and public transportation and tend to be located within 0.5 miles of a town or local centre. In small, historic settlements such as those that characterise Cotswold suitably located brownfield sites that are circa 0.3-0.5 hectares in size and nature are extremely limited and only tend to arise when a commercial or industrial use reaches the end of its economic life, or via site assembly. When such development opportunities therefore do become available, competition is high amongst developers and the sites achieve a premium.</p>	<p>A review of land values is required.</p>
91	<p>Funding Gap Analysis: The likelihood of 'other' funds being available will have a considerable impact on viability and delivery. We note that there is a funding gap of £9.8 million. We also note that in the Funding Gap Analysis (Section 2.2.8) there are no other funding sources listed alongside many of the projects. How will infrastructure be prioritised in decision making? To what extent will communities be expected to contribute their 15% (or 25%) to major projects?</p>	<p>Further work is required to identify these additional funding sources. Additionally, the Council will be working with the County Council and Town and Parish Councils in partnership to deliver infrastructure.</p>

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83	<p>Para 10.28 CILVA We are concerned that the CILVA determines that CIL can be introduced along with affordable housing at 40.% on all greenfield sites despite both the strategic and large greenfield sites producing marginal viability results.</p>	<p>The representation correctly picks up that the larger sites are close to the limits of viability - but it is also worth noting that excluding the Chesterton site there is only one site of 80 or more units and one site in the 50 to 70 units category - all the other sites are less than 50 units - as set out in Figure 9.2 of the Viability Assessment.</p>
84	<p>Para 13.58 CILVA Copies of the appraisals adopted for the calculation of CIL are not included within the CILVA and should be provided for scrutiny. The proposed level of CIL is calculated with reference to the level of additional profit generated by the modelled schemes.</p>	<p>Base Appraisals included at Appendix 7 of Viability Assessment. Overall 220 sets of appraisals have been run for the 13 typologies so to include all the full appraisals would result in over 5,700 pages of printout - this would not be proportionate.</p>
85	<p>Para 13.64 CILVA It is clear that both the strategic site and large greenfield sites are marginal or unviable both with and without CIL. It is noted that the proposed level of CIL for the strategic site is £0 psm, but the large greenfield site is proposed to require a maximum CIL rate of £80 psm. There appears to be a distinct lack of consistency between the assessment of the strategic and large greenfield sites. Whilst we acknowledge that the strategic site is less viable than the large greenfield site, the marginal nature of the large greenfield site should be reflected in a substantially reduced CIL rate. Reasoning should be provided to explain why the large greenfield site should be expected to provide CIL contributions when the CILVA states that marginal assessment of viability determines that these sites should not be considered as viable when measured against the test set out. It appears imperative that a revised CIL rate should be proposed</p>	<p>The Comment is correct in picking up that the larger sites are close to the limits of viability - but it is also worth noting that excluding the Chesterton site there is only one site of 80 or more units and one site in the 50 to 70 units category - all the other sites are less than 50 units - as set out in Figure 9.2 of the Viability Assessment.</p>

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86	<p>for the large greenfield site or the CIL rates will not be supported by or consistent with the underpinning evidence base, which is not in accordance with the CIL legislation and will open the Charging Schedule to challenge at Examination</p> <p>Para 13.70 CILVA Whilst the comparison of the CIL amount with residual value and GDV can provide a useful benchmark, the principal determination of an affordable level of CIL should be provided by the comparison of residual land value with the viability threshold. The Large Greenfield scenario is shown within the CILVA to be marginal when a policy compliant affordable housing mix is applied and should, therefore, not be considered as viable to bear additional costs relating to CIL.</p>	<p>CIL Regulation 14 clearly requires the Council to consider 'the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area'. It is necessary to consider a range of analysis - not just one type.</p>
52	<p>Para 6.21 - 6.40 of the CILVA proposes that an industrial land owner would be prepared to accept a 20% uplift on their existing use value as an appropriate competitive return and an agricultural/paddock land owner is proposed to require a 20% uplift plus £475,000 per gross hectare to generate a competitive return. We are of the opinion that the competitive return which is required by a willing landowner should have reference to the market value of the site, rather than an arbitrary uplift from the existing use value, as proposed within the CILVA. At no point within the CILVA is it made clear why an agricultural landowner for example would accept an uplift of 20% above their existing use value of £25,000 per hectare and then add £475,000 per hectare to calculate their total competitive return. In reality, landowners will have clear regard to the actual, achievable value which is possible to obtain from a willing developer, taking into account local authority policy and provisions. A landowner will have regard to transactional evidence in order to set the benchmark which they regard as appropriate for the specific circumstances of their site. We regard it as essential that transactional evidence should be provided within the CILVA</p>	<p>A review of land values is required.</p>

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52	<p>to provide context and a basis for comparison to ensure that the proposed benchmark level of value is appropriate.</p> <p>Para 7.17 - 7.22 proposes that no abnormal costs allowance should be assessed on greenfield sites. We regard the complete exclusion of abnormal costs in relation to greenfield sites as onerous. We are of the opinion that a very significant majority of greenfield sites will be impacted by a level of abnormal costs. The adoption of abnormal costs which would affect the majority of greenfield sites would reflect normality rather than the worst case scenario.</p>	<p>Essentially this is a matter of professional opinion - The Viability assessment has followed the approach taken in Gedling as set out from 7.17 of Viability assessment - no further action required.</p>
52	<p>Para 13.64 states 'On most sites have capacity to bear over £100 p.m. or so □. A CIL rate of £80 p.m. is proposed for all residential sites except the Chesterton Strategic Site, for which a £0 p.m. rate is proposed. It is clear from the majority of appraisals included in the CILVA that both the strategic site and large greenfield sites are marginal or unviable both with and without CIL. There appears to be a distinct lack of consistency between the assessment of the strategic and large greenfield sites. Whilst we acknowledge that the strategic site is less viable than the large greenfield site, a revised CIL rate should be proposed for the large greenfield site or the CIL rates will not be supported by or consistent with the underpinning evidence base, which is not in accordance with the CIL legislation and will open the Charging Schedule to challenge at Examination.</p>	<p>There are only 2 'large greenfield sites' all the others are less than 50 units. A relatively simplistic approach has been taken - as is appropriate in a high level viability assessment.</p>
53	<p>Para 1.2 It is stated that HDH Planning and Development Ltd were instructed to: advise with regard to the affordable housing , in terms of quantum and mix that can be delivered; to consider the balance of contributions sought from developers including affordable housing, other policy requirements and the cost of infrastructure and mitigation; and to assess the effect that CIL may have on development viability in the district. Comment: In addition to assessing the effect that CIL may have on development viability in the district, the CILVA provides recommendations</p>	<p>Statement noted.</p>

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54	<p>in respect of the rates of CIL, which could be applied to residential and commercial uses within the Cotswold District Council (hereafter 'Council') area.</p> <p>Para 2.57 - 2.62 The CILVA makes reference to several sources of guidance and appeal decisions including the Harman Guidance, RICS Guidance and PAS Viability Guidance. It is stated that the RICS Guidance recommends against the current/alternative use value plus a margin, which is the recommended methodology within the Harman Guidance. The CILVA states that the RICS dismisses a Threshold Land Value approach. We do not agree that the RICS dismiss a Threshold Land Value approach. Instead, the RICS Guidance adopts the term 'site viability benchmark', but determines that the benchmark should be referenced to market value, rather than an uplift from current/alternative use value, as follows: Box 11: Site Value Definition. Site value either as an input into a scheme specific appraisal or a benchmarks defined in the guidance note as follows: Site Value should equate to the market value subject to the following assumptions: that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan. Box 12: Site Value " area wide assessments'. When undertaking Local Plan or CIL (area wide) viability testing, a second assumption needs to be applied to the above. Site Value (as defined above) may need to be further adjusted to reflect the emerging policy/CIL charging level. The level of the adjustment assumes that site delivery would not be prejudiced. Where an adjustment is made, the practitioner should set out their professional opinion underlying the assumptions adopted. These include, as a minimum, comments on the state of the market and delivery targets as at the date of assessment.</p>	<p>Harman is the appropriate guidance particularly for the creation of policy - such as CIL. RICS requires policy to be built into the market value - how can you build in policy that has not been created?</p> <p>However, there will be a further review of land values.</p>
55	<p>Para 2.63 The CILVA states that this study brings these two sources of guidance together The methodology adopted is to compare the residual</p>	<p>A review of land values is required.</p>

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56	<p>value generated by the viability appraisals with the Existing Use Value (EUV) or an Alternative Use Value (AUV), plus an uplift to incentivise a landowner to sell. We do not see how this approach brings these two sources of guidance together as it appears to follow the Harman Guidance approach but does not follow the RICS Guidance, which concentrates the discussion of appropriate land value as being that which is generated within the market, albeit with reference to full planning policy requirements.</p> <p>The CILVA states there is no statutory technical guidance on how to go about viability testing. We have therefore followed the Harman Guidance. There was a universal consensus from stakeholders at the consultation event on 2 June 2015 to this approach. At paragraph 2.63, it is stated that the study brings the two sources of guidance (Harman and RICS) together. The statement at paragraph 3.1 does not appear to correlate with the earlier statement. It is not clear whether the universal consensus in respect of the proposed approach related to the adoption of residual appraisal methodology to calculate land values, or also related to the assessment of an appropriate land value threshold by way of an uplift of existing use or alternative use value.</p>	<p>The statement is clear as to the approach taken and that there was a consensus.</p>
57	<p>Para 3.5 The CILVA states 'The likely land value is a difficult topic and is one of the areas where an informed assumption has to be made about the uplift. The Harman guidance makes reference to uplift from existing use/alternative use value, whereas the RICS guidance does not. We regard this as a fundamental issue. The CILVA adopts and approach which is in line with one guidance paper, but ignores the more market facing approach which is set out in the RICS guidance.'</p>	<p>Part of the reason for having the consultation early in the process was to ensure that there was a consensus on the methodology. There would be little to be gained by the Council from producing an expensive study that the majority of the industry rejected. It was agreed to follow the Harman guidance.</p> <p>A review of land values is required.</p>

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58	<p>Para 4.1 - 4.38 A description of the residential property market is provided, including data from new build asking prices and sales along with reference to the SHLAA (March 2014). The proposed price assumptions for estate housing show a limited increase from those adopted within the SHLAA (March 2014), which we regard as appropriate. However, the new build comparable sales data provided shows values which are at a significant discount to the proposed values without explanation</p>	<p>The sales values used have been rechecked - and found appropriate. They have not gone up.</p>
59	<p>Para 4.39 - 4.78 The values to be adopted for various affordable housing tenures are set out along with an explanation as to how they have been determined. The proposed market value price assumptions are set out in the table below: (see table 4.6) It is proposed that social rent tenure properties have a value equating to £1,120 psm across the study area, which is equivalent to 34.5% of the market value of estate housing in all other areas or 36% of the market value of estate housing in Cirencester, Tetbury, Moreton-in-Marsh and Bourton-on-the-Water. For affordable rent tenure, a value equating to £1,350 psm is proposed, equating to 43.5% or 41.5% of market value respectively. Intermediary products are proposed to be included at 65% of open market value. Whilst the assumptions adopted in generating capitalised social rent and affordable rent values are not explained, or justified, it is stated that housing associations have indicated that the valuation approach is sound. The methodology acknowledges the impact of the Summer 2015 budget upon Registered Providers of affordable housing, and we regard the values proposed as reasonable. Further clarification of the values adopted in comparison with the offers from Registered Providers should be assessed and explained.</p>	<p>Noted, it is proportionate available evidence.</p>
60	<p>Para 6.1 - 6.20 It is proposed that the existing land value (ELV) or alternative land value (ALV) should form the starting point for the assessment. Values are proposed for residential, industrial and agricultural/paddock land as shown in para 6.35 The values adopted for</p>	<p>A review of land values is required.</p>

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61	<p>agricultural, paddock and industrial land appear appropriate. The residential land value is somewhat confusing as this does not appear to be utilised elsewhere within the CILVA and the value proposed appears to be a pure assumption, not being based on any comparable evidence</p> <p>Para 6.21 - 6.40 of the CILVA Turley were not instructed to provide input into the consultation process at an earlier stage and regard the adoption of a benchmark land value which is based solely on the EUV plus approach as inappropriate. We are of the opinion that the competitive return which is required by a willing landowner should have reference to the market value of the site, rather than an arbitrary uplift from the existing use value, as proposed within the CILVA. At no point within the CILVA is it made clear why an agricultural landowner for example would accept an uplift of 20% above their existing use value of £25,000 per hectare and then add £475,000 per hectare to calculate their total competitive return. In reality, landowners will have clear regard to the actual, achievable value which is possible to obtain from a willing developer, taking into account local authority policy and provisions. A landowner will have regard to transactional evidence in order to set the benchmark which they regard as appropriate for the specific circumstances of their site. We regard it as essential that transactional evidence should be provided within the CILVA to provide context and a basis for comparison to ensure that the proposed benchmark level of value is appropriate. There is no description within the CILVA in respect of the meaning of a serviced <input type="checkbox"/> site. The CILVA provides no explanation as to how the threshold land values from other local authority areas compare with the Cotswold District Council area in terms of the achievable sales values and the resulting level of land value which should be adopted. Higher sales value areas should adopt higher threshold values than lower sales value areas.</p>	<p>A review of land values is required.</p>

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62	Para 7.1 - 7.13 of CILVA We regard the proposed approach to the assessment of construction costs as reasonable. BCIS data sheets should form part of the evidence base. Construction in Cotswold Stone is not a policy requirement, but the Council's high quality design approach must be reflected within the costs adopted.	There is no evidence that high quality design costs more than the BCIS Costs. The BCIS information is Copyrighted and should not be copied wholesale. The use of Stone has been tested but can be reviewed.
63	Para 7.14 - 7.16 of CILVA No definition of smallest sites or larger greenfield schemes is provided and there is, therefore, a lack of clarity. We would regard a minimum allowance of 15% of build costs as appropriate across all sites, with this increased to 20% on larger greenfield schemes.	This is the methodology used.
64	Para 7.17 - 7.22 of CILVA It is stated that abnormal costs are set out in Chapter 9, but this is not the case. We regard the complete exclusion of abnormal costs in relation to greenfield sites as onerous. We are of the opinion that a very significant majority of greenfield sites will be impacted by a level of abnormal costs. Indeed, the last two greenfield site appraisals which we have undertaken included abnormal costs in excess of £495,000 per net hectare. Whilst we acknowledge that these examples are at the higher end of the anticipated range of costs, we regard an average allowance of circa £250,000 per gross hectare as realistic and reasonable. This would reflect the abnormal costs which would affect the majority of greenfield sites and we would regard such a cost allowance as the norm rather than the worst case scenario.	The methodology has not set out abnormal costs - as per 7.17 the Gedling approach has been taken.
65	Para 7.23 - 7.24 of CILVA We regard the allowance for fees as reasonable and in line with market expectations.	Comment noted.
65	The CILVA does not state which sum the contingency allowance should be applied to. In our opinion, contingency should be applied to total base build costs plus external works plus professional fees	Contingencies are not assumed to apply to fees.

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65	We regard a contingency provision on greenfield sites equating to 2.5% as insufficient to reflect the risks inherent with greenfield residential development, with an allowance of 5% as more appropriate.	These were tested through the consultation process.
65	The CILVA does not include any reference to garages, and applies no cost for their construction. Garages will form an important part of any residential developments which include detached houses in particular, and it is essential that a cost allowance is made for their construction.	This is a new point - the costs are modest and they add to the value.
66	Para 7.26 - 7.33 of CILVA The £2,000 per unit residual S106 allowance is stated as having been collated by the Council but is not evidenced or made available for scrutiny. Evidence should be provided by the Council that, subject to adoption of CIL, the S106 will be scaled back to £2,000 " by providing analysis of S106 cost items on recently permitted schemes and discounting to allow for the introduction of CIL (i.e. the shift of certain cost items to payment via CIL).'	The Council will publish the track record, it is necessary for the Examination. The s106 assumption is not calculated - it is estimated. Past rates of s106 are not a good indication of future payments as CIL Regulation 122 and CIL Regulation 123 now apply. See 7.28 to 7.30 of the Viability Assessment.
67	Para 7.34 of CILVA - VAT is excluded from the assessment. We regard VAT on land acquisition costs and fees as appropriate and necessary.	This has been reviewed and considered approach taken is appropriate.
68	Para 7.61 of CILVA It is commonly accepted that an agent's fee equating to 1% of site value should be adopted plus 0.5% for legal fees and we regard the costs adopted as insufficient. VAT should also be incorporated on fees at 0.3% on acquisition. The stamp duty calculation on the appraisals does not appear to follow the HMRC rates and requires amendment.	Yes the SDLT rates changed between the final run of the appraisals and the sign off of the report. It is considered that they make little difference to the results.
69	Para 8.18 - 8.20 of CILVA. At no point within the CILVA is the assumed unit mix for each development scenario set out and it is, therefore, not possible to determine whether the assumed schemes meet the recommendations of the SHMA or the market expectations.	This information is in Appendix 7 of the Whole Plan Viability Study where mixes are set out for each typology.

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70	Para 8.31 - 8.32 of CILVA. SUDS policy will impact on construction costs for both greenfield and brownfield developments. It may be possible to incorporate SUDS within the green spaces within larger greenfield sites, but we regard such costs as additional to those modelled for base and external works, and the 5% allowance should be adopted for both greenfield and brownfield sites.	The Council considers that the approach taken in the Whole Plan Viability Study is reasonable.
71	Para 9.14 - 9.17 of CILVA . We regard the proposed assumptions as reasonable. The assumed density of 30 units per net hectare produces a low development density in terms of sq m per hectare.	Comment noted. However, it is necessary to follow the proposed Local Plan policies
71	However, any increase in development density must be reflected in a higher threshold land value.	This actually improves viability.
71	Draft Policy H1 requires sites over 20 units to provide at least 5% of dwellings for sale (as self build NB added by JB as is assumed missing text). This requirement is not modelled in the CILVA and the methodology requires amendment.	Acknowledged. Further work is required.
72	Para 10.1 to 10.37 of CILVA The large scale strategic site is classed as marginal or unviable in all testing scenarios except where no affordable housing is modelled. The scheme may be able to provide a land value which exceeds the existing use value, but this does not create a viable position. The CILVA suggests that a variation on the threshold land value should apply to strategic sites, but no benchmark level is proposed. This approach retains flexibility but does not appear appropriate within an area wide assessment.	This has been reviewed and considered approach taken is appropriate.
43	We welcome the opportunity to comment on the CIL Charging Schedule and the background viability evidence. It is extremely important that the Council properly consider the overall impact of the Community Infrastructure Levy (CIL) on the delivery of affordable housing, ensuring that this is not	Comment noted.

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73	<p>squeezed by setting inappropriate rates. This was emphasised by Greg Clark MP, the former Minister for Decentralisation and Cities: A key point of the viability test for CIL [rate setting] is that it doesn't make socially important development unviable, including social housing. I would expect that to be at the forefront of examiners minds. (Inside Housing, 20 April 2012)</p> <p>Housing and Planning Act 2016: Starter Homes As discussed in our representation on the Local Plan Submission Draft (reference M5/0607-12), and as acknowledged by the Council, this Act contains the introduction of Starter Homes. The Technical Consultation on Starter Homes Regulations (March 2016) proposed a uniform requirement of 20% provision on all sites of 10 units or more, or those above 0.5 hectares. The Council will need to respond to these Regulations, and may need to conduct further viability testing for the CIL Charging Schedule to respond to the Regulations. It is expected that the proposed requirement will impact on site viability, and thus the future delivery of 'traditional' affordable tenures (as defined in Annex 2 of the National Planning Policy Framework).</p>	<p>Comment noted. It will be necessary to consider Starter Homes as and when the Regulations are published. We can not do this until we have the Regulations.</p>
74	<p>Court of Appeal Judgement The Council will also be aware of the Court of Appeal decision on 11 May 2016 which reinstated the Planning Practice Guidance (PPG) with regard to affordable housing thresholds and developer contributions. In summary, the May 2016 decision reintroduces an exemption from providing affordable housing and other tariff-style contributions on schemes of 10-units (or 1,000 square metres) or less; and an optional exemption from affordable housing contributions on schemes of five units or less in Designated Rural Areas (which includes Areas of Outstanding Natural Beauty (AONBs). Whilst West Berkshire and Reading Borough Councils have indicated that they may challenge the Court of Appeal's decision in the Supreme Court in the interim it is important for local authorities to consider the impact of this on emerging policies.</p>	<p>Acknowledged. A review of the evidence will be required if the Council decide to change it's Policy on thresholds.</p>

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	<p>The guidance is a material consideration to which decision makers must determine how much weight to give; whilst it ought normally to be considered inappropriate to require affordable housing, local thresholds may be given more weight where supported by up to date evidence. As allowed for in the PPG, the Council has chosen not to exempt planning obligations for affordable housing in the AONB. It is important however to recognise that 20% of the District is located outside of the AONB which means development in these areas of the District may be impacted by the ~10-unit threshold'. Figure 1, below, gives an example of the potential impact of the imposition of the national thresholds on CIL charging rates. This is taken from Christchurch and East Dorset's now withdrawn Revised Draft Charging Schedule (December 2015). We urge the Council to assess the viability impact of the reinstated ~10-unit threshold' on CIL; failure to review this may seriously impact the future delivery of affordable housing. Figure 1: Extract, Christchurch and East Dorset Revised CIL Charging Schedule (December 2015) - SEE ATTACHED DOCUMENT</p>	
81	<p>Failure of proposed residential CIL rates to reflect differing value zones Given that there are significant disparities between the values of areas within the District, it is considered the proposed CIL charging area be re-assessed to introduce a more zonal system. In proposing a district-wide charging area (excluding the Chesterton Strategic Site), development may be pushed into areas of lower/higher value areas and therefore may not result in an equal spread of development throughout the district.</p>	<p>The complexity of lots of zones is not to be recommended and the implementation of them is extremely complex for any potential additional income. The values have been checked and it is considered the approach taken is appropriate.</p>
9	<p>Having considered the information relating to the Infrastructure Levy, Upper Slaughter Parish Council wish to make the following comments: Upper Slaughter PC would ask Cotswold District Council to consider increasing the Levy from Green Belt Sites so that it is higher than that of Brown Sites. This would encourage developers to build on existing Brown Sites. Upper Slaughter Parish Council requests Cotswold District Council to consider</p>	<p>CIL can only be set on viability grounds, not on policy grounds.</p> <p>The 'meaningful proportion' is clearly set out in the Regulations. Cotswold District Council acknowledges the need to</p>

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	<p>returning more than 15% to the Neighbourhood/local community from where the tax was initially raised. The Parish Council would request this amount to be increased so that 50% of the money raised is returned to the local community where the initial tax had been raised, rather than going to Central Government. The Draft Charging Schedule has made no charge to collect a Levy from developers who are sub-dividing existing properties. Such activity is a concern for the Parish Council in that it will increase the number of people in an area and thus create an increased load on infrastructure services but without generating additional funds to support the demand.</p>	<p>provide more information to the Community , as well as Town and Parish Councils on how CIL will work through a workshop and ongoing partnership working.</p> <p>CIL cannot be charged on sub-division of existing properties.</p>
5	<p>It is not clear from the statement what the level of flexibility will be in the charging schedule for rural businesses and there is no indication that encouragement will be given to the expansion of such businesses. It will be manifestly unfair to those desperately trying to encourage rural employment to replace jobs lost in agriculture if the Community Infrastructure Levy is charged on expansion of rural businesses. To remain viable all businesses must be able to move forward and moderate enlargement in rural areas will have a negligible effect on infrastructure and is likely to be beneficial in the reduction of drive to work and in support for local services in sustainable communities. As many business requirements vary in size according to the style of work a minimum square metre size is the wrong basis on which to establish a Community Infrastructure Levy. There should be a fixed percentage increase in size below which the Community Infrastructure Levy will not be charged. High speed broadband has been specifically introduced to encourage growth and stem the flow of small businesses away from rural areas. The introduction of the Community Infrastructure Levy on the growth of small businesses will have the opposite effect.</p>	<p>Employment is zero rated ie there is no levy proposed.</p>

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78	<p>Disproportionate residential CIL rates proposed for non-strategic sites . The proposed CIL charging rates for residential development on non-strategic sites are disproportionately high in comparison to that proposed for the Chesterton Strategic site. The differences between the two should be rebalanced so new development on non-strategic sites is not discouraged, and so that the Chesterton Strategic site makes a fairer contribution to the provision of necessary infrastructure. Strategic sites are typically developed by well-resourced major national or medium-sized homebuilders. Non-strategic sites are often developed by smaller (usually) local builders which have less financial clout and are often brownfield or other such sites which have high abnormal costs, making them less financially viable to develop when all costs including CIL are considered. National homebuilders developing strategic sites in any case benefit the economies of scale which can be achieved on their large (mostly greenfield) sites, which cannot be achieved by the developers of smaller non-strategic sites; which is another factor which should be taken into account.</p>	<p>The Chesterton site, in terms of development in the CDC area is exceptional due to its large scale, where infrastructure can be funded through s106 agreements rather than CIL. (s106 are site specific and meet the requirements of CIL Regulations 122 and 123).</p> <p>The viability of schemes for typologies other than Strategic Sites have been calculated taking into account those types of factors raised in the comment and the CIL rates set accordingly.</p>
82	<p>CIL charging rate for sheltered/ extra care dwellings - The requirement within the draft charging schedule proposes the same charges for sheltered/extra care housing as normal open market housing. Given that normal market housing will predominantly be provided by developers for profit, whereas sheltered and extra care dwellings will predominantly be provided by charitable organisations, the proposed charging schedule seems prejudiced against this form of development.</p>	<p>The modelling is in line with the policy requirements and assumes affordable housing is provided as part of the schemes.</p>
41	<p>You need to add a rate for hotels especially those built in post gravel extraction sites where the original permission will have included restoration so there will be no additional costs for remediation required. Local communities which have suffered through the extraction need to be assured</p>	<p>Hotels have been assessed and found not to be viable - based on a modern free standing hotel (ie Premier Inn or Travel Lodge etc). On this basis a zero rate is</p>

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48	<p>that the district will benefit from infrastructure improvements funded by CIL on post extraction development. This will now be leisure etc as no more holiday homes will be permitted. Hotels are potentially the most commercial of these developments.</p> <p>Preliminary draft charging schedule Object/Comment: Given the issues threatening the sustainability of retail services in smaller centres such as Fairford and the potential need to expand these in order to restore a 'critical mass' and ensure that it can continue to fulfil its role as a 'District Centre' we believe that the proposed rate for retail developments in these locations is too high. A zero rate may be appropriate. Re the zero rate for residential development proposed for the Chesterton development, we are concerned that there might be some infrastructure requirements arising indirectly elsewhere in the District as a result of this that might not be able to be covered by the S106 agreement, and that the Chesterton Development would not be contributing adequately to these or to the general 'pool'.</p>	<p>recommended. No evidence provided with regard to values or costs. Further analysis likely to produce similar findings.</p> <p>CIL rates have been assessed based on evidence. No retail unit under 100 sqm is charged CIL. Therefore CIL is unlikely to affect most local shops.</p>
20	<p>Council appreciates that the Chesterton Development warrants a lower levy than that applied to residential development elsewhere in the District. However, Council is not convinced that a Zero Rate is justified and would be grateful to see the calculation which led the District Council to this view.</p>	<p>The comment has not provided any evidence to support its assertion. The calculation for Chesterton can be seen in the Whole Plan Viability Assessment and appendices. It should be remembered that Chesterton is a large site with a significant infrastructure requirement being met through s106.</p>
35	<p>General Comments to the Cotswold PDCS CIL: Financial contributions to GCC infrastructure secured through s106 have averaged £1.6.m p.a. in Cotswold District. There is currently no assurance that County Council infrastructure will continue to be funded through CIL. It is recognised that</p>	<p>Gloucestershire County Council is a key partner in infrastructure delivery. GCC will be involved in producing the Implementation mechanism of CIL to</p>

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	<p>the necessary arrangements sit outside of the CIL Charging Schedule process. To ensure delivery, the arrangements are critical to the County Council in supporting the introduction of CIL. GCC is working with the districts ' the Charging Authorities' - to ensure mutually beneficial arrangements are in place for county infrastructure. County Council-provided infrastructure (e.g. highways, transport, education, libraries) is a significant component of the overall infrastructure requirement. The IDP suggests that County infrastructure accounts for 70% - 80% of all costed infrastructures. This would historically be secured through s106 planning obligations. GCC and CDC should now expedite the CIL governance arrangements. CDC will be both the Charging Authority and Collecting Authority. As with other emerging CIL charging schedules, there needs to be a mechanism in place to ensure sufficient monies are passed to GCC in a timely fashion to ensure county infrastructure delivery. Joint working arrangements are required in the form of an agreement to enable and ensure continued delivery. A proportion of the administration fee (up to 5% of CIL monies) should also be paid to GCC to fund these. The approach to the Land at Chesterton (Strategic Site) which will be to secure infrastructure through s106 agreements - is welcomed. It has been shown elsewhere that delivery in kind (e.g. the provision of a primary school) secured through a s106 agreement is a more efficient way of dealing with large scale developments. This allows CIL monies to be secured from the wider range of smaller scale developments, and spent in accordance with the Reg 123 List. GCC is aware of other large sites being promoted through CDC Local Plan process which may be included as strategic allocations. The planning obligations approach to infrastructure delivery should apply to all other strategic allocations if any further are identified through the plan process. Where large sites come forward on a windfall basis, the preferred approach to infrastructure delivery should also be through s106 arrangements, and the CDC CIL approach, and supporting Regulation 123 List needs to be flexible to ensure this. This will</p>	<p>ensure that the infrastructure they are responsible for is funded appropriately, either through s106 or CIL.</p>

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16	<p>allow the mitigation to be directly tailored to the site, and experiences elsewhere show that this works well. The CIL Reg123 List should be amended to include other strategic allocations, or identified sites, such as the one at Moreton-in-Marsh, to allow sufficient flexibility to ensure infrastructure delivery. In the future, GCC will expect the Reg123 List to be amended so that windfall sites of significant size can also be addressed through the s106 mechanism. The process for amending the Reg123 List is relatively straightforward, and should allow the flexibility to ensure that the most appropriate mitigation package is secured.</p> <p>It appears that under CIL the Chesterton strategic site is rated at £0/m2. We at SOC have been told that because the BDL Outline Planning Application has already been submitted before the adoption of CIL and therefore this CIL document does not apply, but S106 agreements will be made. As has already been said it would appear that CDC are assuming that the Bathurst planning application will be approved. Given that this site is planned to be built over a 11 year period in phases. Will all phases be subject to S106 agreements, over the development period, or will that only apply to the initial phases? Further down the road will future phases be covered by CIL. If so this would mean that Bathurst Developments would be getting off very lightly indeed, and that would unacceptable, to the residents of Cirencester. Change requested: The Chesterton strategic site should be rated in the same way as all other residential developments, at £80/m2.</p>	<p>The fact that the application may be decided is a secondary consideration to delivery of infrastructure with the current CIL regs and guidance. Infrastructure delivery is more appropriate under s106 for strategic sites.</p> <p>However, Cotswold District Council acknowledges the need to provide more information to the public on how CIL will work in the District.</p>
32	<p>We note that the Chesterton allocation will not receive CIL. We assume that this is due to the fact that S106 agreements will involve considerable delivery of infrastructure for the site as part of its development. However, neighbouring Town and Parish Councils may have priorities which could be addressed if some CIL were due on the development.</p>	<p>The calculation for Chesterton can be seen in the Whole Plan Viability Assessment and appendices. Chesterton is a large site with a significant infrastructure requirement being met through s106. It is considered that an</p>

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10	<p>The Chesterton strategic site is CIL rated here at £0 per m². At a meeting requested by Save Our Cirencester members with the Cabinet Member for Forward Planning and the Strategic Director on 29 th June 2016 we asked why the strategic site was zero rated whilst all other residential developments were rated at £80/m². We were informed that this was because the BDL Outline Planning Application has already been submitted before the adoption of this CIL document and therefore CIL would not apply, but S106 agreements will be made. This suggests that CDC are assuming the current Bathurst outline planning application will be approved. In the scenario that the BDL application is withdrawn for some reason and then a future application is made for this strategic site after this CIL document has been formally adopted, then this CIL table would mean no CIL was payable. With many uncertainties at this time, particularly following Brexit, this charging table should cover all eventualities, including the scenario above. Change requested : the Chesterton strategic site should be rated the same as all the other residential developments, at £80/m². Reason: Should the current Bathurst development application be unsuccessful then any future development on all or part of this huge site, however large or small, would be subject to an</p>	<p>additional CIL charge on the site will threaten delivery of a site critical to the delivery of the Local Plan.</p> <p>The Cotswold District Council acknowledges the need to provide more information to Town and Parish Councils on how CIL will work through a workshop and ongoing partnership working on infrastructure delivery.</p> <p>The fact that the application may be decided is a secondary consideration to delivery of infrastructure with the current CIL regs and guidance. Infrastructure delivery is more appropriate under s106 for strategic sites.</p> <p>However, Cotswold District Council acknowledges the need to provide more information to the public on how CIL will work in the District.</p>

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30	<p>openly published rate of CIL and which would be of some benefit to the existing residents of Cirencester.</p> <p>HAVING LOOKED AT OTHER REGIONS CIL LEVY RATES WE WONDER IF A WIDER BANDING MIGHT BE AVAILABLE WITHIN THE AREA CONSIDERED AS HOUSING, SURELY SOME AREAS OF LUXURY HOUSING DEVELOPMENT MIGHT BE EXPECTED TO CONTRIBUTE MORE WHEREAS AREA THAT INCLUDE BIGGER ELEMENTS OF SOCIAL HOUSING MIGHT PAY LESS. GIVEN THAT THE GOVERNMENTS OWN REPORT ASSUMES A RESIDENTIAL CIL RATE OF £105 PER SQUARE METRE AND THAT AN "AVERAGE" 3 BEDROOM HOUSE HAS A FLOOR AREA OF 110 SQUARE METRES, CIL PAYABLE COULD BE AS MUCH AS:- £105 X 110 = £11,550. IS THE RATE OF £80 PER SQUARE METRE THAT YOU ARE PROPOSING SUSTAINABLE FOR THE LEVELS OF INVESTMENT REQUIRED?</p>	<p>Yes the SDLT rates changed between the final run of the appraisals and the sign off of the report. They make little difference to the results. It would not be necessary to rerun the analysis on this point alone.</p>
27	<p>ALTHOUGH WE HAVE LOOKED CAREFULLY WE CAN SEE NO PRECISE GUIDANCE ON THE UPPER AND LOWER DEVELOPMENT SIZES THAT THE LEVY WILL BE CHARGED AGAINST AND WONDER HOW CDC PROPOSE THAT THIS WILL WORK WITH THE EXISTING S106 AGREEMENTS IN THIS DISTRICT. WE WOULD ALSO WELCOME A PROJECTION FROM CDC ON WHAT MTC MIGHT EXPECT TO RECEIVE FROM THE LEVY OVER THE PERIOD COVERED BY THE NEW LOCAL PLAN GIVEN THE EXTENT OF THE LAND IDENTIFIED FOR DEVELOPMENT IN THE PLAN.</p>	<p>The Levy for residential development applies to all developments of one or more dwellings (outside of the Chesterton Strategic Site).</p> <p>CIL is charged on a per meter square basis. No specific projection has been made for any individual settlement as there are too many variables.</p>
38	<p>I refer to the Cotswold District Council Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule Public Consultation and wish to make a number of representations. These Submissions are made on behalf of Blue Cedar Homes, a private retirement homes specialist operating in the South West of England. The Government updated</p>	<p>Comments noted. A review of the evidence will be required if the Council decide to change the Policy on thresholds.</p>

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	<p>paragraph 21 of the National Planning Policy Guidance (NPPG) in March 2015, putting a greater emphasis on Councils making provision for the changing needs of older residents. Indeed, the guidance stresses that older people have a wide range of different housing needs, ranging from suitable and appropriately located market housing through to residential institutions (Use Class C2). I note that the Proposed CIL Charging Rate set out in Table 1 on page 9 sets a recommended rate of £80 per sq.m for all development sites (excluding the Chesterton Strategic Site) on all types of residential development, including retirement housing. As a retirement house builder, I strongly believe that a nil rate across the Authority should be applied to specialist accommodation such as retirement housing. If a CIL charge is being applied to retirement housing, it will only constrain and hinder the delivery of this much needed housing type. Blue Cedar Homes were recently involved in a planning appeal in the Vale of White Horse District Council (Appeal reference: APPN3120/W/15/3141368 dated 19 May 2016). At paragraphs 19 and 20 of the decision, the Inspector noted that as a result of our enhanced specifications (which include among others strengthen ceiling joists, wider staircases and treads, hidden fixings for stair lifts, oversized garages for mobility impaired) our retirement developments do have additional costs and as such it is appropriate to use the BCIS upper quartile costs. There is no sense therefore in penalising retirement housing with a high CIL rate. I enclose a copy of the appeal decision for your reference. In addition, the Government has recently reintroduced guidance set out at paragraph 031 in the NPPG, on 19 May 2016 which states that; 11 There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and</p>	

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	<p>should be taken into account. These circumstances are that; contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty" As such, this recent guidance should be taken into account in the Council's CIL Charging Schedule. In summary, I believe the Council should reconsider the CIL rate specifically for retirement housing. This specialist housing sector needs to be encouraged to deliver much need housing, not hindered but additional CIL rates. I note that in the report on the Examination of the Draft Hertsmere Borough Council Community Infrastructure Levy Charging Schedule, December 2013 (PINS/N1920/429/12), developers of specialist retirement housing, McCarthy and Stone and Churchill Retirement Living, and Hertsmere Borough Council recognised the important difference between retirement housing and general needs housing in their charging schedule. The same approach has been taken by South Oxfordshire District Council in its CIL Charging Schedule Submission Version following representations made by Blue Cedar Homes. They propose a 'nil' value for specialist retirement homes. Currently, I believe there is no reasonable justification for a CIL charge on retirement housing in any area of the Authority and, at the same level as general needs housing I believe that a housing scheme which provides a real need for specialist housing, such as retirement dwellings, should be</p>	

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94	<p>exempt from CIL as well as affordable housing, similar to the C2 use class. It should also be recognised that by providing this type of housing for the elderly to downsize, larger family homes would become vacant. As a minimum, all forms of C3 retirement housing should be explicitly exempt from CIL.</p> <p>The proposed level of payments appears reasonable (ie £80m2 for residential development, with payment to be made within 60 days) However, the lack of clarity in respect of the sum to be paid by the LPA to the local community (15% or 25%, capped at £100 per existing rateable dwelling) is of major concern. Without this payment being a requirement this will simply move all negotiations regarding payments to local councils from community-developer, to community-LPA, and will result in considerable uncertainty on the community's part as to what payment it may receive, or whether it will indeed be eligible to receive any payment at all.</p>	<p>The legislation is clear on this point. 25% of CIL has to be paid by the Charging Authority (Cotswold District Council) to the Town or Parish Council where development is granted if there is a neighbourhood plan in place. If there isn't a neighbourhood plan in place then this will be 15% of receipts capped at £100 per rateable dwelling. Cotswold District Council acknowledges the need to provide more information to Town and Parish Councils on how CIL will work</p>
40	<p>See attached document for the full representation, Executive Summary is below: EXECUTIVE SUMMARY There is a lack of clarity in respect of how s106 obligations and CIL will interact on sites (both allocated and non-allocated). Without clarity on this matter the Councils viability evidence conclusions will be without foundation. The Councils SHMA Update 2016 (April) does not recommend a 40% affordable housing target, but refers to 35% and the potential need to uplift overall housing requirements to achieve this. The Councils 2016 viability assessment does not robustly demonstrate that CIL and other s106 contributions (which are as yet not fully quantified in terms of cost) in combination with 40% affordable housing (as proposed in emerging Local Plan Policy H2) will be deliverable on large Greenfield sites in the District, particularly on Cirencester edge of settlement sites and outside higher value areas. The Viability Study value</p>	<p>to have a works on a policy plan not pertinent to the CILs on infrastructure delivery.</p> <p>The approach to the Reg 123 list and the use of s106 will be reviewed.</p> <p>When alterations to the Regulations are published then a review of the SHMA and viability evidence will take place.</p> <p>Some of the comments are covered by the review of land prices and updated policies currently underway.</p>

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	<p>/ price assumption of £3,100m² (£288 per sqft) for homes to be delivered on large Greenfield sites is unrealistically high as a blanket figure for the whole District. A review of Land Registry newbuild sold house price data suggests that a range of values will apply at different locations in the District, with lower values such as Tetbury and Cirencester being more likely to have a value of c.£2.7k per m² (£250 per sqft). There is the potential for significant changes in planning and construction costs during the lifetime of a strategic or large Greenfield site which should be reflected within even high level viability modelling in line with the NPPG. Additional modelling has not been undertaken to reflect this in sufficient detail. Increasing the Viability Study developer profit assumption to 25% or more to reflect the true position that actually applies in reality will clearly have a significant impact on the outputs of the HDH model the Councils Viability modelling will not provide a realistic assessment of viability in respect of large greenfield sites unless / until these matters are taken into account. Unless developers, most of whom are plcs, are incentivised to develop by being able to achieve appropriate margins shareholders and funding are likely to go elsewhere. Furthermore, where land values are significantly eroded as a result of inappropriately high affordable housing targets / CIL charges set on the basis of unrealistically low profit assumptions within the Councils viability evidence base this will fetter the release of land for housing delivery “ the impact of this is particularly notable upon large landowners who are taking significant investment risks to bring large Greenfield sites to the market for residential / mixed use development. Fettering land release in this way is adding to an already dire situation in a housing market that is failing spectacularly to address the housing demands of households. Ultimately this is contrary to the Government objective of significantly boosting overall housing supply. Unless Decision Makers move away from continually applying theoretical and unrealistic developer profit assumptions, contending that these are the norm for “high level assessments, the supply of land for housing will continue to be</p>	

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	<p>constrained by the planning system resulting in the ongoing failure of the housing market to address housing demand - of significant concern is the increasing fall in the numbers of households entering home ownership. The VS does not robustly test the policy requirements proposed in emerging Policy H1 which appear to seek to: reduce market dwelling floor areas and values to make such homes affordable on the basis of local household incomes and demonstrably reduce the need for affordable housing (although how these parameters would be defined and the national policy basis for them is unclear) - exclude 2 bedroom flatted affordable housing provision, and, require "at least 5% of dwellings to be made available for sale as a serviced self-build plot, which supporting text sets out that, if not sold after 12 months, must continue to be marketed as self-build open market plots or offered to the Council / a Registered provider (although the status " i.e. affordable housing or market - of any plot sold to the Council / a Registered Provider is unclear as is the national policy basis for requiring them at all). There is no detailed consideration of the potential impact of Starter Homes requirements upon scheme viability, which could result in reduced viability given the increased risk to the developer in terms of the disposal of such dwellings compared to Intermediate affordable housing which can conceivably achieve equity sales at shares of 70% to 80% with the sales risk carried by the Registered Provider instead. The above points will have significant impacts on site viability which, given the lack of clarity in how exactly the policy is to be applied by Decision Makers, it is almost impossible to assess. The £2k per plot post CIL s106 cost assumption applied to large Greenfield sites is unreliable and unrealistic and contradictory to the approach set out within the draft Regulation 123 List. Whilst the extent of the cost of s106 contributions per dwelling for such sites remains to be clearly identified within IDP evidence, site specific s106 contributions are clearly acknowledged by the Council to apply in addition to CIL payments given the s106 obligations identified within the draft Regulation 123 List. Such requirements are particularly likely to result</p>	

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	<p>in significant additional costs for larger sites. Given pooling restrictions the Council are likely to focus on both allocated and non- allocated large sites to meet the bulk of any unmet infrastructure costs through s106 in addition to through CIL. If overall housing supply proves to be less or viability reduces s106 infrastructure contributions on a number of sites the cost for any remaining contributing sites could increase. Government data (Live Tables 122 and 1008) suggests that across the District as a whole on average additional affordable housing equates to up to c.33% of additional overall net housing completions over the last 5 years this includes both newbuild affordable housing and existing stock affordable housing acquisitions - additional net new additional affordable housing is likely to be less than 33%. Government data (Live Table 253) for 2015/16 suggests affordable housing completions to equate to c.19% of overall housing completions. This, and the Councils 2016 Viability Study, suggests that an emerging affordable housing target of 40% is unlikely to be achievable (particularly on larger Greenfield sites) and will result in site by site viability testing and delays in future delivery contrary to national guidance objectives. The blanket CIL charging zone proposed for all sites other than the Chesterton Strategic Site is far too crude and fails to reflect the value variations that exist across the District. A 25% level of affordable housing is suggested by a review of the evidence to be more realistic than 40% on large Greenfield schemes in higher value areas in the District, although even at this proportion it is unclear that CIL payments will be supportable given the additional costs that are likely to apply on top of the 2016 Viability Study baseline position (i.e. stone / re-constituted stone construction, increases in build costs generally, s106 costs in excess of £2k per plot and the potential for economic cycles giving rise to house price reductions during the life of the Plan). 20% level of affordable housing, whilst still optimistic, is likely to represent a more appropriate Plan policy target for large Greenfield sites on the edge of Cirencester and outside of higher value areas in the District. However, even at this level</p>	

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	<p>of affordable housing provision the 2016 Viability Study model does not suggest the payment of any level of CIL to be viable. Whilst nil CIL and an affordable housing target of up to 20% on large Greenfield sites on the edge of Cirencester and up to 25% on large Greenfield sites in higher value areas in the District would require the modification of the currently proposed 40% affordable housing / £80 per m2 CIL charge for such schemes, it is suggested to be necessary if sustainable housing developments are to be encouraged in the District. Even this level of affordable housing provision is ambitious, but it reflects the Councils priorities for the delivery of new affordable housing in the District whilst seeking to balance the economic challenges that the 2016 Viability Study confirms that large Greenfield sites will face. It is strongly advised that additional viability testing is undertaken ahead of the publication of the next iteration of the CIL Charging Schedule. Based on a review of the Councils viability evidence base reduced / nil CIL rates for such sites should be set concurrently with a reduction in the emerging Local Plan Policy affordable housing requirement from 40% to: 20% / nil CIL for sites on the edge of Cirencester and up to 25% / reduced CIL on large Greenfield sites elsewhere in the District. - It is crucial that realistic cost and revenue assumptions are applied within viability evidence and accompanied by genuine sensitivity testing and that cumulative policy burdens are set concurrently with realistic CIL charges to ensure that the planned level of sustainable development can take place. The concerns raised will not be addressed through the application of a payment instalments policy, and nor should the introduction of Starter Homes be assumed to improve viability. As research undertaken by Savills suggests; a ~trade-off between affordable housing and other s106 burdens will be required on sites if CIL rates are set too high. This is essentially the ~appropriate balance that local authorities are required by Statutory Regulation to strike and this will have ramifications for the policy burdens that can reasonably be imposed on sites within the emerging Local Plan.</p>	

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75	<p>CIL Rates Extra Care . We note that the proposed CIL Rates for Sheltered Accommodation and Extra Care development are some of the highest across the South West. Statistics show that 30% of the District' population is 60 years or over and over half of the District is over 45 years old (52.5%). It is therefore inevitable that there will become an increasing need for Sheltered and Extra Care accommodation. In our experience developers of retirement properties, including Housing Associations, are likely to avoid areas with a high CIL charge due to the significant impact on scheme costs. If the Council wishes to encourage specialist retirement schemes to come forward in the District then it needs to be pragmatic in setting a CIL rate that encourages development. Furthermore, in order to comply with charging rates of this magnitude, planning obligations towards other critical infrastructure, including affordable housing, are likely to be impacted.</p>	<p>The CIL has been set at a modest rate.</p>
40	<p>2.1 The Council has proposed the following residential CIL rates: All development sites, including Sheltered Housing and Extra-care Housing but excluding Chesterton Strategic Site = £80 per sqm. Chesterton Strategic Site = £60 per sqm</p>	<p>The proposed CIL rate is £0 at Chesterton at Chesterton for residential development. The £60psqm if for retail development.</p>
40	<p>3.2 The evidential basis of the approach taken within the draft 123 List appended to the PCS (and which provides broad information on the categories of items intended to be funded through CIL / s106) is not transparently explained within the IDP evidence base as it stands.</p>	<p>Acknowledged. The approach to the Reg 123 list will be reviewed. The IDP will be reviewed/refined.</p>
40	<p>3.6 The CIL Regulations are therefore explicit: the imposition of CIL charges must not compromise the economic viability of development in an area (i.e. jeopardising the delivery of the level of development planned for within Local Plans).</p>	<p>Noted.</p>
40	<p>3.10 The following chart draws on Tables 3 and 4 within the Savills report and uses a range of £ per Sqft market values (including the £288 per Sqft assumed in the Council's April 2016 HDH Viability Study ("VS")) and a set</p>	<p>Evidence reviewed and no further action required.</p>

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40	<p>plot area. The chart shows the impact of any decrease in the sales value assumed by the Council's viability study and also shows the impact of any post CIL s106 costs at a £3k per plot and £15k per plot level:</p> <p>3.12 At 40% affordable housing and £15k per plot post CIL s106 costs none of the scenarios will be able to provide any CIL and at less than the sales value assumed within the Council's viability model the level of money per plot suggested to be available for CIL where £3k per plot s106 costs apply falls to c.£3k and £0k per plot (i.e. at values of £275 and £250 per Sqft respectively). As the Savills' report sets out, the s106 funding of major infrastructure such as may apply on a larger Greenfield site 'can exceed £15,000 per plot'.⁵ Even larger Greenfield sites with moderate infrastructure obligations are likely to exceed £3k per plot and this leaves little room for manoeuvre if CIL rates in the District for such sites are to be set at the margins of viability.</p>	<p>It is not clear where the figure of £15k has come from. CIL is being set against a very much lower amount in the District.</p>
40	<p>4.2 A review of Land Registry sold house price data for the period June 2015 to May 2016 suggests that market values achieved across the District are likely to vary considerably:</p>	<p>This is acknowledged in the report – but this relates to all homes rather than new build homes. The Whole Plan Viability Assessment looked at a north south split along the A40 but really this was not supported. Further price checking research has been made and the current approach is considered suitable.</p>
40	<p>4.4 Whilst the Land Registry data does not output sales values per square feet based on an average larger newbuild estate dwelling floor area of 1014 Sqft values of broadly £246 per Sqft (£2,650 per Sqm) are suggested in locations such as Cirencester and Tetbury, whilst per Sqft values in South Cerney and Upper Rissington are suggested to be somewhat more. Figure 1 above suggests that at sales values of £250 per Sqft nil money is likely to be available for CIL at 40% affordable housing and £3k to £15k</p>	<p>Further price checking research has been made and any necessary changes will be considered in the DCS.</p>

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40	<p>per plot in post CIL s106 costs. Even at 10% affordable housing the Savills research suggests that only minimal amounts of money will be available for CIL per plot.</p>	
40	<p>5.5 The document suggests that it is of relevance for appraisals at a policy level as opposed to a site specific level and it represents the most recent land value data made available by the Government and therefore is of relevance when considering the Council's viability evidence benchmark land value thresholds. The VS refers to the February 2014 edition of this DCLG paper.</p>	<p>Any updated guidance will be considered in the review of the evidence supporting the DCS.</p>
40	<p>5.6 Assuming a return to the landowner equating to a minimum 50% share of the uplift realised as a result of achieving a residential permission (in line with The Manor, Shinfield Appeal Decision (Appeal ref 2179141) and observations made by Professor Ball in an independently prepared report commissioned by the DCLG entitled 'The Housebuilding Industry Promoting Recovery in Housing Supply' published in April 2010) the following Greenfield Benchmark Land Values are broadly suggested by the DCLG December 2015 land value estimates:</p>	<p>The Shinfield approach is very site specific. This is addressed in Chapter 6 of the Whole Plan Viability Assessment report. No action required.</p>
40	<p>5.8 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 completely undermines the analysis in the 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. Landowners are likely to seek to obtain a residual value in line with wider market expectations where land achieves a residential permission, and the £505,000 per gross hectare land value benchmark will be insufficient for many.</p>	<p>Further evidence required.</p>
40	<p>5.24 On a large Greenfield scheme on the edge of Cirencester a value assumption of £3,100m² is suggested by Land Registry sold newbuild</p>	<p>A further check of land values consistency is required.</p>

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40	house price data to be unrealistic (please see the 'Sales Values' section above), and independent valuation advice suggests that between £2,650 per m2 (£246 per sqft) to be more reflective of the current market.	
40	5.27 There is no detailed review in the VS on the impact of Starter Homes on viability, but now that the Housing and Planning Act 2016 is in place this is a matter that will need to be taken into consideration when assessing affordable housing proposals. It is noted that wording is included in emerging Policy H1 regarding the provision of Starter Homes.	This work cannot be done until the Regulations are published.
40	5.28 It should not be assumed that the introduction of Starter Homes via the Housing and Planning Act 2016 (enacted in May 2016 subsequent to the 2016 VS publication) will enable improved viability on the basis of an assumption that Starter Homes have a value to the developer of 80% of open market values compared to the 65% assumed for Intermediate housing for sale.	Pending the Regulations it is not appropriate to pursue this further.
40	5.30 In excess of 80% of open market value could conceivably be achieved on Intermediate housing for sale where equity shares of 70% to 80% are sold, but the replacement of these units with Starter Homes would result in lower overall revenues to the developer.	Early consultation with stakeholders suggested 70% was too high, hence the use of 65%.
40	5.31 In particular, it is misleading to simply refer to the 80% of open market value associated with Starter Homes when considering what the revenue to the developer will be. In fact, unlike with Shared Ownership and other forms of Intermediate housing for Sale provided via a Registered Provider, with Starter Homes the risk to the developer is significantly greater. Rather than getting a reliable payment from a Registered Provider (who then has to market the dwellings etcetera) the developer will have to sell the product directly to the eligible purchaser along with all the risks that this entails.	The comment is correct – the risks will be higher as they will need to sell them.

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40	5.32 Furthermore, unlike market housing for sale there are restrictions on who is eligible to purchase a Starter Home and, as yet, there are no clear exit options (such as cascade arrangements) identified within the Planning and Housing Act 2016 or associated consultation draft Regulations should insufficient demand prove to exist for this product. The developer faces the uncertainty of being able to sell these products adding increased levels of risk.	Agreed. However, this cannot be modelled until the Regulations are published.
40	5.37 As such, developer returns of 25% (or more in riskier poorer market conditions prevail) especially on strategic sites, large sites in lower priced areas, and riskier more complex sites will be relevant when assessing viability. Site specific issues may also result in a greater level of profit being sought.	The Council is comfortable with the methodology used of 20% GDV.
40	Section headed s106 costs	Agree that more clarification is needed on s106.
40	Whilst this is an improvement over the 06/07 to 09/10 period (during which additional affordable housing equated to 16% of overall net additional housing) it remains significantly below 50% and below the emerging 40% affordable housing target for Greenfield sites even before the application of CIL. Furthermore, CLG Live Table 253 suggests just 70 of the 370 dwelling completions in the 2015/16 period were affordable housing (c.19%). This, in conjunction with the Council's viability evidence on the Chesterton Strategic and larger Greenfield sites, suggests that the emerging target and the adopted affordable housing target are unlikely to be viable.	The evidence accompanying the representation does not take account of thresholds. No action.
45	Thames Water provide essential sewerage/wastewater and water infrastructure in order to support growth and deliver environmental improvements. That infrastructure provision can incorporate the provision of buildings such as a new sewage pumping station or a new sewage treatment building for example. The nature of such infrastructure buildings means that there is no impact on other forms of infrastructure requirements	Comment noted.

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79	<p>such as schools, open space and libraries. Thames Water therefore consider that sewerage/wastewater and water infrastructure buildings should be exempt from payment of the Community Infrastructure Levy and this appears to be the case in the draft schedule where All Other Development has a Nil charge which Thames Water support.</p> <p>Review. We recommend the Council specifies when a review of the CIL will be undertaken. We are of the view that a review of CIL ensures Local Planning Authorities (LPAs) are reactive to an industry that is constantly changing, and represents good practice. Recent examples of other LPAs in the South West that have committed to a review of CIL include Stroud District and Plymouth City Councils. This should be over consistent intervals of time; we suggest either (a) every three years or (b) if there has been a 10% change in house prices or (c) in light of any significant change to national planning policy or guidance. This should include a caveat stating that the review will be done whichever is sooner. This would provide clarity for local developers, landowners and others who have an interest in the District's construction and property industries.</p>	<p>There are recommendations about review in the Whole Plan Viability Assessment - although this would not result in an automatic change. The conservative rates are designed to be appropriate throughout the economic cycle.</p> <p>Trigger points for review do not form part of the Examination.</p>
4	<p>The strategic site of Chesterton is the largest development that the District has ever seen. Therefore it is not at all clear why it appears to be exempt from CIL with a rate of £0 per square metre. Where is the money for the additional school, healthcare facilities, green space, children's play areas, transport and so on coming from?</p>	<p>The Chesterton site, in terms of development in the CDC area is exceptional due to its large scale, where infrastructure can be funded through s106 agreements rather than CIL. (s106 are site specific and meet the requirements of CIL Regulations 122 and 123).</p>
	<p>Thank you for the opportunity to respond to the Cotswold District draft charging schedules for Community Infrastructure Levy (CIL). I respond on behalf of NHS Gloucestershire Clinical Commissioning Group (CCG). In</p>	<p>Regulation 123 of the CIL Regulations 2010 (as amended) indicates that a charging authority can publish on its</p>

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	<p>respect of CIL, it is noted that emergency health services are listed in the context of ambulances but as you will appreciate, these services constitute just a small section of the services that will be required to support the healthcare needs of the additional population. Infrastructure will be required to support primary care, community services and acute services. For example the anticipated population increase contained in the Cotswold IDP equates to 18,000 people which equates to the size of two average GP premises in Gloucestershire. This will lead to extra demand of around 108,000 appointments/ attendances each year at local surgeries in the district. The CCG strongly feels that health and wellbeing infrastructure should be included on the Regulation 123 List. It is recognised that in some larger developments such as the Chesterton development the use of Section 106 agreements will be more appropriate and it is noted that the CCG is already working with CDC and local practices on this matter. It should be noted that healthcare services are considered legitimate infrastructure themes, which the planning system is duty bound to take account of as articulated under paragraph 17 of the National Planning Policy Framework (NPPF), in operating the planning system, account must be taken of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. Paragraph 156 also specifically identifies health, security, community and cultural infrastructure as strategic priorities for which local plans must provide a strategic planning steer - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60772/116950.pdf Whilst it is complex to calculate the exact healthcare costs associated with population growth the Healthy Urban Development Unit (HUDU) model has been used in Gloucestershire, (http://www.healthurbandevelopmenttrust.uk/courses/steering/healthyurbandevelopment/hudu/model/) it suggests that up to £2,000 could derive from each individual housing unit. The CCG would be happy to discuss this further with you and as such would anticipate receiving a fair proportion of the final CIL levy. Hopefully,</p>	<p>website a list of infrastructure or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL. This list in itself is not examined by the Inspector. The infrastructure listed will no longer be secured through s106 planning obligations or through s278 of the Highways act. The intention is to ensure that there is no duplication in the use of both cIL and s106 from the same application for development for the same infrastructure project.</p> <p>The list does not signify a commitment by the Council to deliver the project , nor does it indicate CIL spending priorities. The list will be subject to regular review.</p> <p>The Council could offer more guidance on the Reg 123 list through a workshop.</p> <p>The draft Reg 123 list will be reviewed.</p>

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49	<p>this letter provides the necessary information you need to help finalise requirements and the CCG looks forward to working with you in the future on finalising requirements and the NHS receiving a fair proportion of the final agreed CIL levy.</p> <p>Appendix B - Draft Regulation 123 list Object/Comment: Remedial measures required for highway/surface water drainage systems should be added to the item 'Flood and Water Management.' (This is unlikely to be able to be funded solely by new developments and may not be the responsibility of the water/sewage undertaker.)</p>	<p>Regulation 123 of the CIL Regulations 2010 (as amended) indicates that a charging authority can publish on its website a list of infrastructure or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL. This list in itself is not examined by the Inspector. The infrastructure listed will no longer be secured through s106 planning obligations or through s278 of the Highways act. The intention is to ensure that there is no duplication in the use of both cIL and s106 from the same application for development for the same infrastructure project.</p> <p>The list does not signify a commitment by the Council to deliver the project , nor does it indicate CIL spending priorities. The list will be subject to regular review.</p> <p>The Council could offer more guidance on the Reg 123 list through a workshop.</p> <p>The draft Reg 123 list will be reviewed.</p>

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23	<p>We are disappointed that enhancement/mitigation to the natural environment (habitat/biodiversity) has not been included within the Regulation 123 list. We note green infrastructure has been included but we feel that something more specific for the natural environment is necessary and we would advise that it is included in the final list.</p>	<p>Regulation 123 of the CIL Regulations 2010 (as amended) indicates that a charging authority can publish on its website a list of infrastructure or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL. This list in itself is not examined by the Inspector. The infrastructure listed will no longer be secured through s106 planning obligations or through s278 of the Highways act. The intention is to ensure that there is no duplication in the use of both cIL and s106 from the same application for development for the same infrastructure project.</p> <p>The list does not signify a commitment by the Council to deliver the project , nor does it indicate CIL spending priorities. The list will be subject to regular review.</p> <p>The Council could offer more guidance on the Reg 123 list through a workshop.</p> <p>The draft Reg 123 list will be reviewed.</p>
12	<p>It appears that the draft 123 list omitted the category of "Health". The IDP noted a need for additional healthcare facilities but the heading is not on the table. An example would be a GP surgery.</p>	<p>Regulation 123 of the CIL Regulations 2010 (as amended) indicates that a charging authority can publish on its website a list of infrastructure or types of infrastructure that it intends will be, or</p>

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87	<p>Our primary concern is that PDCS as drafted is very unclear and confuses the position as to how the Council intend to operate CIL and S106 in tandem, with significant potential for 'double charging'. We also have concern that the viability evidence has been ignored in so far as it relates to larger greenfield development schemes. These concerns are explored further below. Draft Regulation 123 List and Potential for Double Charging . The CIL Regulations clearly set out that the same items of infrastructure cannot be charged through both planning obligations and CIL. As such, Regulation 123 Lists should clearly identify infrastructure to be funded at least in part by CIL. In contrast, CDC's draft Regulation 123 List (Appendix</p>	<p>may be, wholly or partly funded by CIL. This list in itself is not examined by the Inspector. The infrastructure listed will no longer be secured through s106 planning obligations or through s278 of the Highways act. The intention is to ensure that there is no duplication in the use of both cIL and s106 from the same application for development for the same infrastructure project.</p> <p>The list does not signify a commitment by the Council to deliver the project , nor does it indicate CIL spending priorities. The list will be subject to regular review.</p> <p>The Council could offer more guidance on the Reg 123 list through a workshop.</p> <p>The draft Reg 123 list will be reviewed.</p>
		<p>Regulation 123 of the CIL Regulations 2010 (as amended) indicates that a charging authority can publish on its website a list of infrastructure or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL. This list in itself is not examined by the Inspector. The infrastructure listed will no longer be secured through s106 planning obligations or through s278 of</p>

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	<p>B), is very vague and relates to broad types of infrastructure (e.g. walking, cycling, public transport and highways), which from our reading appears to cover all circumstances. In addition, nothing has been removed from possible S106 requirements, with all forms of contribution remaining unquantified and on the table'. Paragraph 97 of PPG states that where the Regulation 123 list includes a generic type of infrastructure (such as 'education' or 'transport'), section 106 contributions should not be sought on any specific projects in that category (our emphasis). Best practice in terms of CIL shows that the Regulation 123 List should be far more specific and instead break infrastructure requirements down into small and specific elements of development that constitute separate projects (e.g. single classroom for a named school). CDC has produced an Infrastructure Delivery Plan as a supporting document that clearly sets out the infrastructure required to facilitate and sustain the level of growth set out in the Local Plan. However, this has not been carried through onto the Regulation 123 List. Appendix D of the IDP 2016 Update provides a list of projects identified in various evidence base documents which are expected to be fully, or at least partly, funded by developer contributions through Section 106 agreement or CIL once adopted. It is then stated in this report that upon adoption of CIL some of these projects or infrastructure types should be considered for inclusion on the Council's Regulation 123 List. This approach is completely disjointed and it is our view that the Regulation 123 List needs to include these projects now in accordance with Government guidance, and then be consulted upon appropriately. It is unreasonable for the Council to consult on a document which is already planned to be revised following adoption, particularly as the information is available now. In addition, it would be appropriate to include an indication of the likely costs (as per the IDP) associated with the items detailed on the Regulation 123 list in order to provide clarity regarding the level of funding that is potentially being sought through CIL or any funding gap that might emerge in the future.</p>	<p>the Highways act. The intention is to ensure that there is no duplication in the use of both CIL and s106 from the same application for development for the same infrastructure project.</p> <p>The list does not signify a commitment by the Council to deliver the project, nor does it indicate CIL spending priorities. The list will be subject to regular review.</p> <p>The Council could offer more guidance on the Reg 123 list through a workshop.</p> <p>The draft Reg 123 list will be reviewed.</p>

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33	<p>The lack of clarity discussed above, creates major confusion and may result in applicants being charged twice for the same infrastructure through the payment of CIL and s.106 contributions. In addition to being unlawful, this would significantly threaten the viability of sites. As such, in its current form, we consider that the Regulation 123 List and accompanying documents do not set out clearly enough what developers will be requested to pay. It is also not specific about what infrastructure is accounted for, nor does it provide clarity on the associated costs of the infrastructure included, yet as stated above, this information is known and available. The proposed CIL documents as drafted will seriously jeopardise the ability of developers to understand scheme viability and will lead to uncertainty. This could ultimately undermine a developer's ability to bring sites forward for delivery quickly which is important in the context of maintaining a 5 year supply of housing. It is imperative that the CIL documents and particularly the Regulation 123 List are clear, comprehensive, easily understood and capable of being applied consistently. We therefore consider that more work is required to set out exactly what the Council is expecting developers to contribute to and also how they would seek this contribution. This relates to all aspects of the Regulation 123 list. Recommendation: Consultation on this document is premature and we request that the Regulation 123 list be re-drafted as per the above comments to include tangible projects to be funded through CIL and/or S106 and with indicative costs provided. Only then, when sufficient clarity on the possible charges to be faced by developers is known, should consultation be undertaken.</p>	
	<p>WE NOTE THAT THE LEVY SHOULD BE DESIGNED TO AID LOCAL INFRASTRUCTURE PROJECTS AND WOULD ASK WHETHER CDC HAVE A MORE DETAILED 123 LIST THAT INCLUDES INFRASTRUCTURE IN OUR AREA WITHIN THE IDP RATHER THAN THE GENERALISED LIST CONTAINED IN THE DOCUMENTATION AVAILABLE. HAVING READ SECTION 5.10 OF THE IDP ON THE CDC</p>	<p>Regulation 123 of the CIL Regulations 2010 (as amended) indicates that a charging authority can publish on its website a list of infrastructure or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL.</p>

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	<p>WEBSITE WE BELIEVE, WITH RESPECT TO THE PROCESS, THAT THIS IS WELL OUT OF DATE WITH SOME LISTED ITEMS ALREADY HAVING BEEN ACHIEVED AND OTHERS UNDERWAY. WE WOULD REQUEST THAT THIS LIST BE RECONSIDERED AND REVISED WHILST THIS IS STILL IN THE PLANNING STAGE AND THAT MTC SHOULD BE ALLOWED INPUT INTO THE CREATION OF ANY NEW LISTS WHICH COULD THEN FORM PART OF OUR LOCAL AND NEIGHBOURHOOD PLANS. WE HAVE NOTED THE STATEMENT "THE INFRASTRUCTURE CATEGORIES WHICH ARE ASSESSED IN THE IDP INCLUDE SOCIAL INFRASTRUCTURE (EDUCATION, HEALTH, SPORTS AND LEISURE, OPEN AND PLAY SPACE, LIBRARIES AND COMMUNITY CENTRES), TRANSPORT AND UTILITIES SO ADDITIONAL ITEMS IN MORETON MIGHT INCLUDE NEW LEISURE FACILITIES, A COMMUNITY HALL, THE REFURBISHMENT OF THE REDESDALE HALL, UPGRADING THE TOWN'S PARKING FACILITIES OUTSIDE OF THE STATION AREA AND THE FURTHER DEVELOPMENT OF THE TOWN'S PRIMARY SCHOOLS TO NAME BUT A FEW OF THE SUGGESTIONS MADE.</p>	<p>This list in itself is not examined by the Inspector. The infrastructure listed will no longer be secured through s106 planning obligations or through s278 of the Highways act. The intention is to ensure that there is no duplication in the use of both CIL and s106 from the same application for development for the same infrastructure project.</p> <p>The list does not signify a commitment by the Council to deliver the project, nor does it indicate CIL spending priorities. The list will be subject to regular review.</p> <p>Cotswold District Council acknowledges the need to provide more information to Town and Parish Councils on how CIL will work through a workshop and ongoing partnership working (including discussion of the Reg 123 list).</p>
89	<p>Further detail on the draft Regulation 123 list is required, especially in relation to the differences between infrastructure funded by CIL and that provided through s106 obligations.</p>	<p>The Reg 123 list will be reviewed. Further work on the implementation of CIL and the provision of infrastructure through s106 is required.</p>
7	<p>Thank you for providing Historic England with an opportunity to comment on the emerging CIL, an important source of funding for the infrastructure required to underpin the delivery sustainable development in the District. There is a wide definition of CIL in terms of what may be required. The</p>	<p>The Reg 123 list will be reviewed. Further work on the implementation of CIL and the provision of infrastructure is required.</p>

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	<p>Localism Act allows CIL to be used for the maintenance and on-going costs associated with a range of heritage assets including, for example, transport infrastructure such as historic bridges, green and social infrastructure, historic parks and gardens, civic spaces and public places. Successful development may be dependent on historic places/spaces to provide the essential character, the social infrastructure, culture, community focus, amenity, recreation or leisure opportunities required to ensure thriving sustainable communities. Due to the increased demands on these heritage assets from new development CIL can provide towards their upkeep and condition. Consequently Historic England therefore welcomes Cotswold DC's reference in the 123 List to the conservation and enhancement of the historic environment, heritage assets and their setting.</p>	
46	<p>The Council may however wish to consider using CIL contributions for enhancements to the sewerage network beyond that covered by the Water Industry Act and sewerage undertakers, for example by providing greater levels of protection for surface water flooding schemes. Sewerage undertakers are currently only funded to a circa 1:30 flood event.</p>	<p>The Reg 123 list will be reviewed. Further work on the implementation of CIL and the provision of infrastructure is required.</p>
21	<p>Council is also puzzled by the Draft Regulation 123 list. Paragraph B1 claims that the list below sets out the infrastructure projects CDC intends to be wholly or partially fund through CIL. Table 1 does no such thing. It simply lists categories to be funded or part funded through CIL and is accompanied by a parallel equally vague listing of categories of infrastructure that may be supported through S106 etc. As not a single project is identified in either listing it is impossible to regard this as anything other than going through the motions of Consultation.</p>	<p>Regulation 123 of the CIL Regulations 2010 (as amended) indicates that a charging authority can publish on its website a list of infrastructure or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL. This list in itself is not examined by the Inspector. The infrastructure listed will no longer be secured through s106 planning obligations or through s278 of the Highways act. The intention is to ensure that there is no duplication in the</p>

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		<p>use of both CIL and s106 from the same application for development for the same infrastructure project.</p> <p>The list does not signify a commitment by the Council to deliver the project, nor does it indicate CIL spending priorities. The list will be subject to regular review.</p> <p>Cotswold District Council acknowledges the need to provide more information to Town and Parish Councils on how CIL will work through a workshop and ongoing partnership working (including discussion of the Reg 123 list).</p>
22	<p>We have no detailed comments to make on the preliminary draft charging schedule. However, we are pleased to see that Flood and Water Management Infrastructure has been included as project type that will be funded through CIL.</p>	<p>The Reg 123 list will be reviewed. Further work on the implementation of CIL and the provision of infrastructure is required.</p>
95	<p>The responsibilities of local councils in terms of the provision of local services and amenities are as clearly defined as those of district and county authorities and this should be acknowledged in the new CIL process. As drafted, the CIL will only be payable in respect of defined infrastructure projects where the criteria are set out in some detail. There is a genuine concern that if this criteria is set out in too much detail certain infrastructure projects may fall through the net and fail to meet these requirements, or that negotiations between the community and the LPA may be subjective rather than objective in the nature of the negotiations. These negotiations will also be resource heavy, particularly for the smaller authorities.</p>	<p>Regulation 123 of the CIL Regulations 2010 (as amended) indicates that a charging authority can publish on its website a list of infrastructure or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL. This list in itself is not examined by the Inspector. The infrastructure listed will no longer be secured through s106 planning obligations or through s278 of</p>

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		<p>the Highways act. The intention is to ensure that there is no duplication in the use of both CIL and s106 from the same application for development for the same infrastructure project.</p> <p>The list does not signify a commitment by the Council to deliver the project , nor does it indicate CIL spending priorities. The list will be subject to regular review.</p> <p>Cotswold District Council acknowledges the need to provide more information to Town and Parish Councils on how CIL will work through a workshop and ongoing partnership working (including discussion of the Reg 123 list).</p>
36	<p>Comments on Regulation 123 List: GCC has been involved in the development of the draft Reg 123 List, and welcomes ongoing dialogue with CDC regarding future CIL expenditure. The suggested approach in the Reg 123 List is generally supported by GCC because it provides a balance between securing contributions from a wider range of small sites, whilst enabling strategic sites to provide infrastructure through s106. This approach should be followed for all strategic sites, r large scale development sites which come forward over the life of the plan. There are a number of areas of ambiguity or omissions from the draft Reg123 List which should be addressed (see below). Specific GCC Infrastructure Areas: Transport and Highways The Reg 123 could reference specific schemes of strategic transport infrastructure which can be funded through CIL. The reference that providing development-specific mitigation covered</p>	<p>Gloucestershire County Council is a key partner in infrastructure delivery. GCC will be involved in producing the Implementation mechanism of CIL to ensure that the infrastructure they are responsible for is funded appropriately, either through s106 or CIL.</p>

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	<p>through s106 arrangements is welcomed. Travel Planning will need to be secured through appropriate planning obligations. This should be referenced in the Reg123 List (and within a Planning Obligations SPD). Education Schools are often required in urban areas where there is no land for expansion or for provision of schools and there is a challenge to accommodate growth. Where this occurs, provision in-kind is preferred. Provision in-kind is acceptable under the CIL regime, and through the approach suggested in the PDCS for strategic sites, this will be applied in Cotswold District. As an indication, a primary school is required to service a development of ~600 dwellings. GCC preference is that these are provided in kind at this scale, as is the case with the emerging Chesterton strategic allocation. Flood and Water Management Flood mitigation can be funded through CIL across the area, or sought through s106 where site-specific, and the approach and inclusion is welcomed. Waste and Recycling Waste infrastructure is included within the IDP and Reg123 List. The Reg 123 List includes reference to expenditure of CIL monies on waste infrastructure where appropriate. This is welcomed. Historic Environment and Green Infrastructure (Archaeology and Ecology Services) It is anticipated that site-specific mitigation will continue to be secured through s106 planning obligations and conditions. Where infrastructure (as defined in the legislation) is required it should be capable of being funded through CIL e.g. Green Infrastructure “ it should be secured. The approach in the PDCS allows this, as well as on-site specific mitigation to be secured through s106 agreements. Libraries & Archives Libraries and archives are considered as community facilities. The Reg 123 List lists certain types of infrastructure considered to be community facilities but does not include libraries. An explicit reference to libraries is therefore required. Economic Development Infrastructure The inclusion of this infrastructure type in the Reg 123 List is welcomed. Public Health Health and Wellbeing infrastructure should be included within the Reg 123 List. It covers emergency services and community infrastructure but is ambiguous on</p>	

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13	<p>health and public health infrastructure. This should be clarified, working with the Gloucestershire CCG.</p> <p>Draft Regulation 123 List Appendix 2: Section B.2 ~Flood and Water management' heading We would like to see a reference in this heading box to the role that the natural environment can play for flood and water management, specifically woods and trees. The Woodland Trust believes that trees and woodlands can deliver a major contribution to resolving a range of water management issues, particularly those resulting from climate change like flooding and the water quality implications caused by extreme weather events. They offer opportunities to make positive water use change whilst also contributing to other objectives, such as biodiversity, timber & green infrastructure - see the Woodland Trust publication Woodland actions for biodiversity and their role in water management (pdf) - https://www.woodlandtrust.org.uk/~/media/woodlandtrust/~/media/pdf/woodland-actions-for-biodiversity-and-their-role-in-water-management.pdf</p> <p>. The Government' Independent Panel on Forestry (Defra, Final Report, July 2012) has emphasised these benefits by stating that: One of the many benefits of woods and trees is their ability to help us respond to a changing climate, better enabling us to adapt to future temperature increases. We know that trees, in the right places, help us to adapt to climate change by reducing surface water flooding; reducing ambient temperature through direct shade and evapo-transpiration; and by reducing building heating and air-conditioning demands. A landscape with more trees will also help increase the resilience of our rural areas, by reducing soil erosion and soil moisture loss. Improving the condition of existing woodlands, and the creation of a more resilient ecological network of associated habitats, will help wildlife adapt to climate change and other pressures . This has been endorsed by the response in the Government Forestry Policy Statement (Defra Jan 2013) with the key objective (p.23) ~ Work with other organisations and initiatives to support the further development of markets in forest carbon and other ecosystem services</p>	<p>Regulation 123 of the CIL Regulations 2010 (as amended) indicates that a charging authority can publish on its website a list of infrastructure or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL. This list in itself is not examined by the Inspector. The infrastructure listed will no longer be secured through s106 planning obligations or through s278 of the Highways act. The intention is to ensure that there is no duplication in the use of both CIL and s106 from the same application for development for the same infrastructure project.</p> <p>The list does not signify a commitment by the Council to deliver the project, nor does it indicate CIL spending priorities. The list will be subject to regular review.</p> <p>Cotswold District Council acknowledges the need to provide more information on how CIL will be implemented.</p>

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	<p>such as water and biodiversity , together with a Cumbria case study (p.22 - SCaMP) on water benefits from woodland creation. Woodland can help adaptation strategies cope with the high profile threats to water quality and volume resulting from climate change. The Forestry Commission's publication, The Case for Trees in development and the urban environment (Forestry Commission, July 2010), explains how: "the capacity of trees to attenuate water flow reduces the impact of heavy rain and floods and can improve the effectiveness of Sustainable Urban Drainage Systems. Trees can reduce the likelihood of surface water flooding in urban situations, when rain water overwhelms the local drainage system, by regulating the rate at which rainfall reaches the ground and contributes to run off. Slowing the flow increases the possibility of infiltration and the ability of engineered drains to take away any excess water. This is particularly the case with large crowned trees. Research by the University of Manchester has shown that increasing tree cover in urban areas by 10 % reduces surface water run-off by almost 6%. (Using green infrastructure to alleviate flood risk, Sustainable Cities - www.sustainablecities.org.uk/water/surface-water/using-gi/). The Woodland Trust has produced a policy paper illustrating the benefits of trees for urban flooding " Trees in Our Towns ' the role of trees and woods in managing urban water quality and quantity (https://www.woodlandtrust.org.uk/mediafile/100083915/Trees-in-our-towns.pdf). In rural areas, integrating trees into farming systems can improve water quality and help mitigate flooding, while also supporting production, as set out in the Woodland Trust's paper Planting Trees to Protect Water " The role of trees and woods on farms in managing water quality and quantity - https://www.woodlandtrust.org.uk/publications/2012/08/planting-trees-to-protect-water/ . We would therefore like to see the wording in the "Flood and Water management box amended to (upper case amendments) " Flood risk mitigation to support development across the area, SUCH AS TREE</p>	

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	<p>PLANTING. raft Regulation 123 List “ Appendix 2: Section B.2 ~Green Infrastructure’ heading We would like to see this heading box include a reference to woods and trees for all the benefits they deliver for green infrastructure. A DCLG has now published revised (February 2016) green infrastructure planning guidance as part of the national Planning Practice Guidance (PPG), which confirms that woodland and street trees should form part of green infrastructure provision - Natural Environment Green Infrastructure What is green infrastructure? Green infrastructure is a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. Green infrastructure is not simply an alternative description for conventional open space . As a network it includes parks, open spaces, playing fields, woodlands, but also street trees, allotments and private gardens. It can also include streams, canals and other water bodies and features such as green roofs and walls. The Woodland Trust believes that trees and woods can deliver a wide range of green infrastructure benefits for placemaking for local communities, in both a rural and urban setting, and this is strongly supported by current national planning policy. The Woodland Trust believes that woodland creation is especially important because of the unique ability of woodland to deliver across a wide range of benefits “ see our publication Woodland Creation “ why it matters https://centrallobby.politicshome.com/fileadmin/epolitics/stakeholders/4117/WoodlandCreationbro.pdf . These include for both landscape and biodiversity (helping habitats become more robust to adapt to climate change, buffering and extending fragmented ancient woodland), for quality of life and climate change (amenity & recreation, public health, flood amelioration, urban cooling) and for the local economy (timber and woodfuel markets). We also consider that the Council has a statutory duty to protect trees and promote tree planting in an Open Space Study. Section 197 of the Planning Act (1990) states: 197. Planning permission to include appropriate provision for</p>	

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	<p>preservation and planting of trees. It shall be the duty of the local planning authority " to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees. We would therefore like to see this heading box amended to read (upper case amendments) - strategic green infrastructure including TREES AND WOODLAND Draft Regulation 123 List Appendix 2: Section B.2~Public realm, Arts and Culture heading . We would like to see similar wording to that proposed in Cheltenham Borough Council's Public Realm , Art and Culture Regulation 123 heading box , which reads " Off-site provision, enhancements and management including tree planting, wider environmental enhancements, street furniture and signage. Interpretation of arts and culture in line with Cheltenham public arts strategy and tourism strategy. This would fit with national policy on trees and woodland in the public realm - woodland creation forms a significant element of the Government Forestry Policy Statement (Defra Jan 2013): ` We believe that there is scope for increasing England's woodland cover significantly to deliver economic, social and environmental benefits. We want to see significantly more woodland in England. We believe that in many, although not all, landscapes more trees will deliver increased environmental, social and economic benefits. We particularly want to see more trees and woodlands in and around our towns and cities and where they can safeguard clean water, help manage flood risk or improve biodiversity'. As an example of local authority planning policy, Bristol Central Area Plan - Adopted March 2015 sets out that 1. Vision: Bristol City Centre in 2026 By 2026; viii. Inspired by Bristol's status as European Green Capital 2015, the city centre will become a cleaner, greener and healthier place to live, work and visit through more sustainable transport, the planting of trees, urban greening and high standards of sustainable design and construction in new buildings. New development will provide more family homes and flexible business space suitable for small businesses, to create a more</p>	

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	<p>successful, vibrant and diverse mixed-use city centre that is open to all.</p> <p>6.13 Given the tight urban grain and high density of development within the city centre and the ambitious levels of growth proposed for the area by the Core Strategy, the opportunities for additional major green infrastructure assets are limited. It is therefore important to integrate green infrastructure within new development to enhance and reinforce the area's existing green infrastructure assets. This may include tree planting and the creation of green roofs. Opportunities for new green infrastructure are likely to be greatest in those areas of the city centre where more significant change is proposed. 6.14 The overall approach will be to create, protect, enhance and manage a network of multi functional green infrastructure within central Bristol to support and strengthen the strategic green infrastructure network. This will happen through a series of interventions ranging from new green spaces to increased tree planting and building integrated solutions such as living walls and roofs. Policy BCAP25: Green infrastructure in city centre developments To reduce the impact of overheating and surface water run-off, new development in Bristol City Centre will be expected to include an element of green infrastructure where possible as an integral part of its design. This should include both the landscaping of outdoor areas and building integrated solutions.</p> <p>Development will be expected to incorporate as many as possible of the following design features: Green roofs and roof gardens; Living walls; Street trees and other trees; Water features linked to SUDS; Waterside landscaping where appropriate We would therefore like to see tree planting and street trees reflected in the Public realm, Arts and Culture heading box in line with the Cheltenham BC wording - Off-site provision, enhancements and management including tree planting, wider environmental enhancements, street furniture and signage. Interpretation of arts and culture in line with Cheltenham public arts strategy and tourism strategy.</p>	

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25	<p>IF THE CIL CHARGES ARE TO GO AHEAD WE UNDERSTAND THAT THE LEVY RATES FOR ALL DEVELOPMENT SITES INCLUDING SHELTERED HOUSING AND EXTRA-CARE HOUSING WILL BE SET AT £80M2 AND FOR RETAIL DEVELOPMENTS AT £60M2. WE FEEL IT IMPORTANT THAT THE NEW SYSTEM DOES NOT GENERATE LOWER CONTRIBUTIONS TOWARDS OUR INFRASTRUCTURE THAN THE EXISTING S106 ARRANGEMENTS AND WOULD LIKE CDC'S CONFIRMATION ON THIS. WE WOULD ASK WHAT PRECAUTIONS WOULD BE PUT IN PLACE TO PREVENT DEVELOPERS PURSUING A PIECEMEAL COURSE OF DEVELOPMENT AVOIDING THE NECESSITY TO AGREE S106 PAYMENTS WITHIN THE CURRENT ARRANGEMENTS?</p>	<p>Cotswold District Council acknowledges the need to provide more information to Town and Parish Councils on how CIL and s106 will work through a workshop and ongoing partnership working .</p>
44	<p>The Canal and River Trust have considered the content of the document and have no comments to make in this case.</p>	<p>Noted.</p>

Table 1

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