

# Submission CIL Charging Schedule

## Statement of Representations made on the Draft Charging Schedule



This document is required by CIL Regulation 19(1)(b) and (c): *The charging authority must submit the following to the examiner (in addition to the declaration required under section 212(4) of PA 2008) — a statement setting out the number of representations made in accordance with regulation 17, a summary of the main issues raised by the representations and copies of the representations.*

A total of **29 representations were made** to the Regulation 17 Draft CIL Charging Schedule consultation. The following table provides a summary of the main issues raised by the respondents and a comment by the Authority (SDNPA) in response, where appropriate. All representations will be sent to the Examiner for consideration in full.

	<b>Respondent</b>	<b>General Comment Summary</b>	<b>Response by SDNPA</b>
1	Alan Collette	<ul style="list-style-type: none"> <li>• Low cost market housing should not be exempt as landowner will be main benefactor (Para 22)</li> </ul>	<ul style="list-style-type: none"> <li>• SDNPA is keen to support affordable housing, in all forms. The Submission Charging Schedule states the justification for allowing relief for low cost market housing and that this remain under review to ensure the public benefit of affordability is secured over time.</li> </ul>
2	CLA – Country Land and Business Association	<ul style="list-style-type: none"> <li>• Concerned that CIL will pre-date Local Plan.</li> <li>• Lack of evidence on housing numbers &amp; infrastructure costs.</li> <li>• Enabling market-housing on rural exception sites should be exempt from CIL.</li> <li>• Index-linking should be market-based, not cost-based.</li> <li>• Brownfield land and re-used buildings should be exempt.</li> <li>• Concern about timing of charge.</li> <li>• In-kind infrastructure or land provision supported although should be held in trust by S106, rather than transfer of title.</li> <li>• Support for low cost market housing relief.</li> </ul>	<ul style="list-style-type: none"> <li>• Planning Act 2008 s.211 (7A) as amended by Localism Act 2011 s.114(2) require appropriate available evidence to support the CIL Charging Schedule. The CIL Regulations require CIL Charging Schedules to be produced in accordance with ‘relevant evidence’. The CIL Guidance refers to the CIL supporting a ‘relevant plan’ but does not specify that this should be an adopted Local Plan. Continual engagement with the Planning Inspectorate and DCLG throughout the preparation of the CIL Charging Schedule has concluded that an up-to-date development strategy and evidence is sufficient to be considered the relevant plan. SDNPA has several adopted Joint Core Strategies covering a large proportion of its administrative area and Preferred Options Local Plan detailing the development strategy for the whole National Park. Up-to-date viability evidence has also been produced. A published Planning Advisory Service advice note also supports our position.</li> <li>• Index-linking is set by the Regulations as cost-based.</li> </ul>

		<ul style="list-style-type: none"> <li>• Agricultural workers dwellings should be excluded.</li> <li>• Viability Evidence is out of date.</li> <li>• Lack of cooperation with county councils.</li> </ul>	<ul style="list-style-type: none"> <li>• Re: brownfield land: differential charges can only be set on proposed <i>uses</i> of land and <i>location</i>. It is not possible to differentiate based on the existing use of the land or whether it is previously developed. Re-used buildings benefit from a discount under the existing Regulations.</li> <li>• Timing of charge: Instalment policy will satisfy these concerns.</li> <li>• Agricultural workers dwellings are defined as Use Class C3 dwellings which cannot be changed through the CIL. However, they are likely to be exempt from CIL if they are classed as 'self-build'.</li> </ul>
3	Eastbourne Borough Council	<ul style="list-style-type: none"> <li>• Maps should show clearer boundaries</li> <li>• Await R123 list and other evidence</li> </ul>	<ul style="list-style-type: none"> <li>• The map will be amended</li> </ul>
4	Findon Parish Council	<ul style="list-style-type: none"> <li>• Corrections (typo and clarification)</li> </ul>	<ul style="list-style-type: none"> <li>• Amended</li> </ul>
5	Green Village Investments	<ul style="list-style-type: none"> <li>• Liphook infrastructure deficits should be identified in the IDP</li> </ul>	<ul style="list-style-type: none"> <li>• Further input from Liphook sought.</li> </ul>
6	Hampshire County Council	<ul style="list-style-type: none"> <li>• Clarify that CIL is needed for schemes in the two District Transport Statements.</li> </ul>	<ul style="list-style-type: none"> <li>• Incorporated into IDP</li> </ul>
7	Harting Parish Council	<ul style="list-style-type: none"> <li>• Large format retail charge should be higher as they are located out of town centres.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed charges are based on appropriate viability evidence.</li> </ul>
8	Historic England	<ul style="list-style-type: none"> <li>• Exceptional Circumstances Relief should be available for enabling development related to historic environment.</li> </ul>	<ul style="list-style-type: none"> <li>• The issue is understood: Enabling development should be permitted at the minimum level necessary to deliver the improvements to the historic environment and the CIL represents an over-above cost. The impact of this issue will be monitored and Exceptional Circumstances relief considered if the CIL charge is limiting enabling development.</li> </ul>
9	Jackie Porter	<ul style="list-style-type: none"> <li>• Suggests discounts for demolished floorspace should only relate to recently used floorspace</li> </ul>	<ul style="list-style-type: none"> <li>• This is provided for in the Regulations and will be utilised in the National Park.</li> </ul>
10	John Stockdale	<ul style="list-style-type: none"> <li>• IDP not clear on the provision of new school places to support development.</li> <li>• Need more clarity on Governance arrangements.</li> </ul>	<ul style="list-style-type: none"> <li>• The county councils as education authorities determine necessary school development and advise SDNPA on its IDP.</li> <li>• Governance arrangements will be determined (and published) by the SDNPA Policy and Programme Committee in consultation with County Councils in due course.</li> </ul>
11	Liss Parish Council	<ul style="list-style-type: none"> <li>• Disagree with £100/sqm rate for Liss because of impact on infrastructure spending potential.</li> </ul>	<ul style="list-style-type: none"> <li>• A balanced judgement informed by the Viability Assessment Update and potential impact on the development strategy of the Local Plan, supported by this consultation response, has led to Liss</li> </ul>

		<p>90 new market houses will provide £405,000 less than Petersfield rate.</p> <ul style="list-style-type: none"> <li>• Question the need for any differential rates.</li> <li>• Liss zone boundary is different to Preliminary Draft stage and not justified.</li> <li>• Analysis for differential rates in Liss is flawed and unreliable. Lack of perspective, should be nationally focused and not so fine-grained.</li> <li>• Overall approach not following Government guidance and no funding gap has been demonstrated.</li> </ul>	<p>being included within the higher Zone I in the Submission CIL Charging Schedule.</p> <ul style="list-style-type: none"> <li>• Differential rates are allowed locally by the Regulations and are appropriate to use in the SDNP to ensure the maximum level of CIL can be charged in different areas, with reference to broad viability evidence.</li> <li>• The Zone I boundary at Liss has been reviewed; it now follows the proposed Liss Neighbourhood Development Plan (consultation version) boundary.</li> <li>• The CIL has been produced in accordance with all relevant Government Guidance and in consultation with the Planning Inspectorate and DCLG. The funding gap is set out in the IDP document.</li> </ul>
12	Mary Parker	<ul style="list-style-type: none"> <li>• Suggested a bridleway from Offham to Ditchling.</li> </ul>	<ul style="list-style-type: none"> <li>• Added to IDP.</li> </ul>
13	NFU	<ul style="list-style-type: none"> <li>• Agricultural workers dwellings have no impact on infrastructure and should be exempt under Regulatory 'self-build' exclusions or should be classed as 'agricultural development' at nil charge.</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural workers dwellings are defined as Use Class C3 dwellings which cannot be changed through the CIL. However, they are likely to be exempt from CIL if they are classed as 'self-build'.</li> </ul>
14	Notcutts Limited	<ul style="list-style-type: none"> <li>• Garden centres should not be included in large format retail definition.</li> </ul>	<ul style="list-style-type: none"> <li>• The Viability Assessment Update clarifies the economic case for Garden Centres.</li> </ul>
15	Planning Potential	<ul style="list-style-type: none"> <li>• More differential rates should be tested.</li> <li>• In-kind provision is supported as a significant benefit to local communities.</li> <li>• More flexibility is needed in Instalment Policy.</li> </ul>	<ul style="list-style-type: none"> <li>• The level of differential rates used is considered to strike a balance between maximising the CIL income without being overly complicated to administer. Rates are being re-tested in the Viability Assessment Update.</li> </ul>
16	Callstone (Shoreham Cement Works)	<ul style="list-style-type: none"> <li>• Support charging for residential and large format retail.</li> <li>• Suggest 2,500sqm threshold is used for large format retail to relate to the NPPF Retail Impact Assessment threshold.</li> <li>• Concerned that brownfield and greenfield land are not differentiated.</li> <li>• Support for instalment policy.</li> <li>• Exceptional circumstances should be allowed.</li> </ul>	<ul style="list-style-type: none"> <li>• Large format retail definition is based on adopted CIL charging schedules elsewhere in the Region. Alternative wording will be considered in light of this representation.</li> <li>• The Regulations only allow differentiation on proposed uses of land and location. It is not possible therefore to differential based on the existing use of the land (or whether it is previously developed).</li> </ul>

17	Santon (North Street Quarter)	<ul style="list-style-type: none"> <li>• Viability Assessment Update published after the consultation.</li> <li>• Should treat North Street Quarter as a strategic site with bespoke viability analysis given the remediation and additional infrastructure required.</li> <li>• CIL is premature before the Affordable Housing strategy has been determined.</li> <li>• Residential rates are too high due to sustainability and design costs in SDNP.</li> <li>• Exceptional circumstances should be allowed on brownfield sites.</li> <li>• In-kind provision should be related to and supportive of the development.</li> <li>• Instalment policy should be linked to the pace and progress of development, not arbitrary times after commencement of development.</li> </ul>	<ul style="list-style-type: none"> <li>• North Street Quarter is likely to gain planning permission before the CIL is adopted (pending completion of resolution to grant permission, December 2015). However, should any future application be liable to CIL, there is likely to be significant on-site infrastructure which will be deducted from its liability as payment-in-kind. The significant number of existing buildings would also be discounted from the liable floorspace calculation.</li> <li>• Affordable Housing strategy is clear in the Draft Local Plan and the Viability Assessment Update includes affordable housing analysis to ensure it complements the CIL evidence.</li> <li>• Sustainability and design costs required by the Draft Local Plan have been incorporated in the viability assessment evidence and should not represent a cost constraint to developers who are expected to provide homes of high design and sustainability standards suitable for a National Park setting, which then return very high values.</li> <li>• In-kind provision: agree. Will review the wording of this provision.</li> <li>• Instalment policy: agree. Will review the wording of this policy.</li> </ul>
18	Comer Homes (Syngenta, Fernhurst)	<ul style="list-style-type: none"> <li>• £200/sqm Zone 3 rate for Fernhurst unviable, unjustified and may limit ability to meet housing targets.</li> </ul>	<ul style="list-style-type: none"> <li>• Proposed charge is based on best available evidence including an up to date Viability Assessment Update.</li> </ul>
19	Seaford Town Council	<ul style="list-style-type: none"> <li>• Supports the Draft CIL.</li> </ul>	
20	Selborne Parish Council	<ul style="list-style-type: none"> <li>• £200/sqm Zone 3 rate is too high.</li> </ul>	<ul style="list-style-type: none"> <li>• Proposed charge is based on best available evidence including an up to date Viability Assessment Update.</li> </ul>
21	South Downs Land Managers	<ul style="list-style-type: none"> <li>• Agricultural workers dwellings should be exempt as they are affordable housing.</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural workers dwellings are defined as Use Class C3 dwellings and do not comply with the NPPF technical definition of affordable housing, which cannot be changed through the CIL. However, they are likely to be exempt from CIL if they are classed as 'self-build'.</li> </ul>
22	Southern Water	<ul style="list-style-type: none"> <li>• No comments</li> </ul>	
23	Sussex Wildlife Trust	<ul style="list-style-type: none"> <li>• No comments</li> </ul>	
24	Sustrans	<ul style="list-style-type: none"> <li>• No comments</li> </ul>	
25	TN Luff & Partners	<ul style="list-style-type: none"> <li>• CIL would not be viable on a holiday-let farm diversification scheme.</li> </ul>	<ul style="list-style-type: none"> <li>• Holiday lets are defined as Use Class C3 dwellings which cannot be changed through the CIL. However, they are likely to be</li> </ul>

			exempt from CIL if they re-use existing farm buildings or are classed as 'self-build'.
26	Tetlow King	<ul style="list-style-type: none"> <li>• "Residential use" should be defined as "C3 dwellings" to specifically exclude C1, C2, C2A uses.</li> </ul>	<ul style="list-style-type: none"> <li>• Additional clarification has been added to the Charging Schedule</li> </ul>
27	Thames Water	<ul style="list-style-type: none"> <li>• Supports Draft CIL</li> <li>• Consider using CIL to fund water infrastructure improvements beyond the requirements of the Water Industry Act.</li> </ul>	<ul style="list-style-type: none"> <li>• CIL funding can add value to the infrastructure provided by utility providers, such as Green Infrastructure enhancements</li> </ul>
28	West Sussex County Council	<ul style="list-style-type: none"> <li>• Currently cooperating with SDNPA on CIL matters</li> <li>• Keen to work with SDNPA on prioritisation of funding and Reg.123 list in due course.</li> </ul>	<ul style="list-style-type: none"> <li>• SDNPA is committed to working with county council partners on the prioritisation of IDP and compiling of the Reg.123 list.</li> </ul>
29	Woodland Trust	<ul style="list-style-type: none"> <li>• Tree Planting and Woodland Creation should be included on IDP/Reg.123 list.</li> </ul>	