

## Schedule of Representations received at Preliminary Draft Charging Schedule stage (May/June 2013)

| <b>1. Timing of Implementation</b>     |                                     |  |  |  |
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| <b>Rep No</b>                          | <b>Respondent</b>                   | <b>General Comment About Timing of Implementation</b>  | <b>Officer Response</b>  | <b>Changes Made to DCS</b>   |
| 25                                     | Thomas Eggar LLP on behalf of ASDA  | CLG recently consulted on suggested changes to the way CIL is applied. It is suggested RCC does not progress with its Charging Schedule until the outcome of the consultation is known and changes are confirmed as they will impact on the regulatory requirements that will have to be met.  | Further progress on CIL was delayed by RCC for 9 months to allow for further changes to be made to CIL.  | Various changes made to DCS to make CIL proposals compliant with amended regulations and advice. |
| 34                                     | Savills on behalf of HBF consortium | Savills urge RCC not to proceed to draft stage of charging schedule without embedding outcome of recent CLG consultation on proposed changes to CIL regulations (April 2013). This is because these proposed changes reflect the outcome of much informal consultation with the industry and local government in order to make CIL work more effectively in line with NPPF objectives. | As above.  | Various changes made to DCS to make CIL proposals compliant with amended regulations and advice. |
| <b>2. Infrastructure Gap - General</b> |                                     |  |  |  |
| <b>Rep No</b>                          | <b>Respondent</b>                   | <b>General Infrastructure Comment</b>  | <b>Officer Response</b>  | <b>Changes Made to DCS</b>   |
| 2                                      | Tookey                              | The CIL legislation was not introduced to enable Local Authorities to fund a wish list but to help fund genuine infrastructure where new development is proposed.<br>The shortfall implied between RCC main  | Purpose of CIL acknowledged.<br>Infrastructure that is to be CIL funded is to be further reviewed and also identified in a Regulation 123 list with a reduced funding gap anticipated. There | CIL infrastructure Project List further amended and R123 list introduced to make CIL proposals   |

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|    |                        | <p>funding and its aspirations is ludicrously large at 154%.</p>  | <p>has never been any suggestion that CIL should fund all infrastructure requirements but rather that CIL will be one of several funding sources that a Council along with other infrastructure providers will need to consider in delivering the infrastructure growth requires.</p> | <p>compliant with amended regulations and advice.</p>   |
| 17 | Rapleys                | <p>RCC list of infrastructure requirements appears to relate to projects that are aspirations rather than directly required as part of any planned strategic growth relating to the adopted Development Plan. Also, there appears to be no breakdown or justification of the stated costs for the infrastructure requirements. In this respect it is unclear whether these are accurate estimates of capital investment which impact upon the legitimacy of the Council's estimated funding gap and, ultimately, the level of CIL charges proposed.</p> | <p>Infrastructure costs can only be indicative at this stage but they do evidence need for CIL.</p>   | <p>CIL infrastructure Project List further amended. Supporting narrative to make the link between Regulation 123 list and requirement to support strategic growth made more explicit.</p> |
| 24 | Morcott Parish Council | <p>Named capital infrastructure projects should not be limited to Oakham/Uppingham but also distributed fairly across all the villages in Rutland.</p>  | <p>Evidence will clarify and support geographical spread of proposed spend in Reg. 123 list combined with estimates of CIL funding that will go directly to Parish Councils.</p>  | <p>CIL infrastructure Project List further amended.</p>   |
| 10 | Natural England        | <p>Natural England urges that consideration be given to including green infrastructure items as a priority for investment using CIL funding. This could include requirements to ensure the local plan is habitats assessment compliant, access to natural 'greenspace', allotment provision, infrastructure identified in local Rights of Way Improvement Plans or local partnership and/or BAP projects, other</p>   | <p>Need for green infrastructure taken into account in drawing up infrastructure priorities.</p>  | <p>CIL infrastructure Project List further amended.</p>   |

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|               |   | community initiatives such as street tree planting and, finally, infrastructure to deliver climate change mitigation and adaptation.   |  |  |
| 11            | English Heritage                                | RCC needs to ensure the conservation of heritage assets is taken into account when considering the level of the CIL to be imposed. This will safeguard and encourage appropriate development and, where possible, it helps to facilitate viable uses for the historic environment  | Need for heritage conservation taken into account in drawing up infrastructure priorities and in June 2014 update undertaken in of viability assessment.   | CIL infrastructure Project List further amended. |
| 6             | Greetham Parochial Church Council               | Greetham PCC supports, in principal, the introduction of a CIL for Rutland. It is also noted that waste related activities are not likely to be subject to paying CIL, but could be a beneficiary.   | Waste related activities were taken into account in drawing up infrastructure priorities.  | CIL infrastructure Project List further amended. |
| 1             | Leicestershire & Rutland Bridleways Association | RCC should add to infrastructure spend the creation of public rights of way, especially multi-use bridleways. This will help in "providing adequate and affordable fitness opportunities and improved access to the countryside".  | Public rights of way were taken into account in drawing up infrastructure priorities.  | CIL infrastructure Project List further amended. |
| 36            | Stamford Town Council                           | RCC should recognise the need for investment in Stamford's infrastructure as a significant amount of development, particularly in the south and eastern parts of Rutland contributes to population growth that uses the town for services and facilities. This requires investment in emergency services, transport, leisure (particularly green/outdoor sports spaces for older children and teenagers and education. | Little of the growth development is proposed within the immediate catchment area of Stamford. It is also the case that there are services and facilities provided within Rutland that will require further investment by RCC due to housing growth in Stamford. This issue was taken into account in drawing up infrastructure priorities. | CIL infrastructure Project List further amended. |
| <b>Rep No</b> | <b>Respondent</b>                               | <b>Specific Infrastructure Requirements</b>  | <b>Officer Response</b>  |  |
| 24            | Morcott Parish Council                          | Expenditure projects on highways should not be limited to Oakham and town centres. Many villages require improvements to their   | This was taken into account in drawing up infrastructure priorities, including potential support from Parish CIL   | CIL infrastructure Project List further amended. |

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|    |                       | decaying road surfaces kerbs, street furniture.   | receipts.  |  |
| 20 | Larkfleet             | Disagree with inclusion of car parking as this is not strategic infrastructure.   | Disagree - effective means of managing transport activity generated by new development is a legitimate use of CIL receipts         | CIL infrastructure Project List further amended. |
| 13 | Leicestershire Police | The Preliminary draft charging schedule and accompanying supplementary paper should be amended to add Policing to table 3.1. Using the NPPF as a guide (ref paragraph 69) a bullet should be added to Required Infrastructure Schemes reading "Expanded Policing Facilities". The infrastructure cost should be increased by £227,693 with the committed project funding remaining unchanged and the overall funding gap increased by £227,693. This 1.8% increase in the overall funding gap would be well below the level of any viability concerns identified by RCC advisors such that it will not necessitate revision of the charging rates being suggested by RCC at this stage. | Agreed   | CIL infrastructure Project List further amended. |
| 33 | Sport England         | General support but questions are raised about the evidence base to support what exactly is required to meet growth needs. Sport England are keen to understand what evidence has been drawn out from the Council's recently commissioned Sports Structures report regarding local access issues to underpin the infrastructure priorities that RCC will look to deliver using CIL funding.<br><br>Without clarification of the evidence to support specific projects, Sport England is   | Evidence from recently commissioned Sport Structures report reviewed to ensure RCC requirements comply with Sports England advice. | CIL infrastructure Project List further amended. |

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|                             |                                     | concerned that the Infrastructure Delivery Plan is open to challenge, not specific with regard to infrastructure projects and not clear if all the issues regarding infrastructure needs (renewal, replacement, improvement or re-provision) for playing pitches and indoor and outdoor sports has been covered.  |                         |  |
| <b>3. Charging Schedule</b> |                                     |   |                         |  |
| <b>Rep No</b>               | <b>Respondent</b>                   | <b>Comments - Relationship between CIL costs and S106 Costs</b>   | <b>Officer Response</b> |  |
| 34                          | Savills on behalf of HBF consortium | In line with the requirements of the proposed CIL reforms, RCC should publish Regulation 123 List before the Draft Charging Schedule consultation to allow more consultation from the development industry.<br>It is also important that the relationship between S106 and the CIL Charging Schedule is clear and that there is no double counting whereby a development is charged both CIL and required to enter into a S106 Agreements to fund the same items of infrastructure. The production of the Reg123 list is critical in this regard. | Agreed                  | CIL infrastructure Project List further amended. Supporting narrative to make the link between Regulation 123 list along with presentation of Council's intended Planning Obligations and Developer Contributions policy to clarify relationship between CIL and RCC S106 policy |
| 22                          | CLA                                 | CLA concerned about cumulative costs to development where affordable housing and Section 106 costs may still apply on top of CIL. The concern is that added together these costs could make development uneconomic and lead to stagnation of housing development.   | Agreed.                 | Relationship between CIL and Affordable Housing requirements reviewed in evidence to support DCS. Presentation of Reg 123 list, along with presentation of   |

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|               |                          |  |   | Council's intended Planning Obligations and Developer Contributions policy to clarify relationship between CIL and RCC S106 policy |
| 20            | Larkfleet Homes          | There are also concerns about the application of CIL alongside S106 Agreements whereby there is double counting on developer contributions which could render development unviable. Re-assurance is required that this will not happen.  | See above   | See above  |
| 17            | Rapleys                  | The Council is urged to ensure that, in applying CIL, there are no duplicate requirements for infrastructure investment imposed on development under S106 agreements (known as 'double dipping').  | See above   | See above  |
| 5             | asra Housing Group       | Concern that the proposals do not make clear that CIL will totally replace S106 Agreements as a means of securing developer contributions.<br>Reference to "scaling back S106 contributions" raises concerns that there may still be a significant element of S106 required of developers with little clarity on the additional costs of this. This raises concerns that it will also take expensive 'pre-app' meetings developers will have to pay for, to establish these additional S106 costs. | See above   | See above  |
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| <b>Rep No</b> | <b>Respondent</b>        | <b>Comments – Viability Evidence Study</b>   | <b>Officer Response</b>   |  |
| 34            | Savills on behalf of HBF | CLG guidance requires that a viability 'buffer' is allowed for in setting the rate of CIL,   | Review of 2013 Viability assessment undertaken to establish revised | See above  |

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|    | consortium                          | <p>particularly for residential development (rather than setting a charge right up to the margins of viability).<br/>The viability study makes no reference to setting such a buffer and should. No allowance is therefore made for market or cost changes or abnormal costs.</p> <p>Evidence is available for examiners reports from Greater Norwich, Plymouth, Southampton of agreements being reached on an appropriate viability buffer to draw back the CIL rate from margins of viability.</p>   | <p>analysis of viability. This takes account of impact of intended change in relation to Affordable Housing requirements. Further work on local S106 Agreements reached on residential developments has been undertaken.</p>   |   |
| 34 | Savills on behalf of HBF consortium | <p>Whilst in principle, the overall methodology of seeking to determine viability on a residual valuation exercise is appropriate, some key assumptions and details on the methodology are changed however as follows;</p> <p>a) Full details of the viability appraisals summarised in the viability study should be appended for scrutiny as they will be required for the examination stage;</p> <p>b) The study is supported by inadequate evidence on house sale rates in the area to be reliable - especially as achieved prices can be up to 15% lower than the asking price thus distorting the evidence;</p> <p>c) Whilst a £psm is produced in Appendix 3 to the study no evidence of the actual property sizes is published and no mention of</p> | <p>Review of 2013 Viability assessment undertaken to establish revised analysis of viability.</p> <p>Officer comments in receipt of Savills representations in June 2013 were as follows:</p> <p>a) The Viability appraisals were made available for inspection as appendices to the viability study.</p> <p>b) The prices were subject to extensive consultation and drew on a wide range of evidence sources as set out in the appraisals.</p> <p>c) The appraisals run on a m<sup>2</sup>/ha basis to allow developers to adjust the mix of housing within a scheme over time –</p> | <p>Changes agreed to DSC to reflect updated viability assessment and other evidence</p> |

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|  |  | <p>whether government incentives feature in transactions (eg Home buy)</p> <p>d) The residential sales map for the study area (fig 4.4) suggests there was insufficient evidence to populate the plan, undermining the RCC position in proposing a CIL rate drawing from this evidence.</p> <p>e) No allowance has been made for S106 Agreement costs featuring (ref page 90). Such an allowance is critical to inform remaining potential to pay CIL and should feature in the appraisals or within a viability 'buffer';</p> | <p>and to their own business preferences and expertise. These assumptions were set out at the first consultation event and discussed. There was a consensus through the workshops they were reflective of the market. No subsequent comments were received following the second event.</p> <p>d) There were insufficient land registry transactions but multiple sources of evidence were drawn on by the consultants.</p> <p>e) The appraisals do not calculate or set CIL. They calculate the Additional Profit out of which both CIL and s106 contributions can be paid. From a viability point of view it make little difference which route is used for the payment – although from a practical point of view it does as s106 can be negotiated away and much of CIL goes to 'other things' like admin (5%) and the neighbourhood (15%). On balance, CIL is set at a low rate and well within the margins of viability. In the base appraisals a standard £1,000 per unit (market and affordable) was assumed to calculate the residual values. This was subsequently added back in to calculate the Additional Profit.</p> <p>CIL <u>and</u> s106 can be paid out of the additional profit.</p> |  |
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|  |  | <p>f) Contingencies are built into the study but are set too low at 2.5% (should be 5%). This has been accepted in Examinations elsewhere;</p> <p>g) The allowance for infrastructure costs at 10% of build costs for the smallest sites is too low, should be 15%, costs for larger sites should be £20k per plot;</p> <p>h) The percentage of market value for affordable housing in Rutland is set too high at 55% it should be 35-40%;</p> <p>i) Development profit at 20% 'on cost' is too low and it should be 20% GDV for both market housing and Affordable combined;</p> <p>j) Evidence to support the assumed viability threshold that applies in Rutland do not take account of local market nuances and should be supported by local market evidence rather than relying on evidence across the broader market areas within the study area;</p> | <p>f) Contingencies are set at 2.5% and at 5% depending on site conditions – see para 7.25/7.26 on page 89. This was one of the matters consulted on and verified through the consultation process.</p> <p>g) This was discussed through the consultation process. 20% equates to about £15k per plot. Savills have not evidenced this but it was consulted on in the Leics/Rutland study</p> <p>h) These figures were endorsed through the consultation process.</p> <p>i) This is a valid point following the Shinfield decision. This was discussed at both consultation events in some detail and the 20% of costs was the consensus (as far as there was one). This put considerable extra pressure on the proposed residential rate of £100psm. A brief paper setting out the consequence of this change – and the other Shinfield changes would be beneficial and is to be requested of our CIL Consultants.</p> <p>j) This was subject of extensive consultation with landowners, agents with mixed views suggesting our assumptions were striking the middle ground.</p> |  |
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|    |                 | <p>k) Full transparency required to show how potential rates for different site types have been derived.</p>  | <p>k).There is full transparency.</p>  |           |
| 17 | Rapleys         | <p>Objector has fundamental concerns regarding the application of benchmark land values based on "the cost of the land is its worth in its current use plus an uplift of 20% to incentivise the owner to sell the land". Concern is this approach does not reflect the workings of the market as land is not released at current use plus a margin but rather at a price reflecting its potential for development.</p> <p>This methodology is unsatisfactory when compared to the market value approach set out in the RICS guidance note on Financial Viability in Planning.</p>   | <p>This is covered above.</p> <p>The RICS guidance was considered at the London CIL Examination and was not found to be preferable to the Harman guidance.</p> | See above |
| 20 | Larkfleet Homes | <p>We consider that the assumptions within the supporting documents are not applicable to our experience in terms of development viability and that the residential CIL rate in particular needs to be significantly reduced.</p> <p>The assumptions that underline the CIL rates proposed seem to be averages through the CIL area and therefore do not reflect the situation in Rutland or the actual costs and viability of development in the County.</p> <p>Methodology is unacceptable having regard to best practice as set out in the RICS Guidance Note; Financial Viability in Planning. The NPPF acknowledges that</p> | <p>This is covered above.</p>  | See above |

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|    |                                    | <p>willing sellers of land should receive competitive returns such that to arbitrarily set land values prevents this market process from happening.</p> <p>Overall it is considered that RCC has failed in its obligation under section 14 of the CIL regs in relation to striking an appropriate balance between securing funding through CIL and not setting a levy at such a level that it adversely impacts on delivery of new development.</p>  |   |          |
| 25 | Thomas Eggar LLP on behalf of ASDA | <p>The Council does not appear to have taken the economics of regeneration projects into account when conducting its viability assessments of Retail (supermarket) developments- eg the costs of demolishing, re-developing, converting buildings that have been vacant some time etc - the imposition of CIL will put the majority of these schemes at risk without having considered its impact on their viability.</p>  | <p>The January 2013 viability study looked at both greenfield and previously developed land in drawing up advice about viability from which the proposed RCC CIL rates are drawn.</p> <p>The June 2014 viability update has evidenced the need to make some changes to the proposed CIL rates for non-residential development.</p>  | As above |
| 25 | Thomas Eggar LLP on behalf of ASDA | <p>Questions the financial assumptions and viability assessments contained in the Council's Viability Appraisal.</p> <p>The viability evidence should be revisited to ensure it takes account of planning costs and residual S106 and S278 payments for commercial developments, particularly retail. This is because, although the Council will not be able to pool S106 contributions once CIL is adopted, such types of contributions tend not to make up a large proportion of the contributions from commercial schemes -</p> | <p>Need accepted for the Council's intended Planning Obligations and Developer Contributions policy to clarify relationship between CIL and RCC S106 policy once CIL is adopted.</p> <p>The appraisals do not calculate or set CIL. They calculate the Additional Profit out of which both CIL and s106 contributions can be paid. From a viability point of view it make little difference which route is used for the payment – although from a practical</p> | As above |

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|  |  | <p>which are usually focussed on site specific access and highway works, environmental mitigation etc which can be highly significant (examples provided).</p> <p>The viability study took S106/S278 contributions into account when analysing the viability of CIL for residential development but appears to have failed to take such costs into account when analysing the viability of commercial development. This inflates the amount of CIL that the study suggests retail development can bear.</p> <p>Government now requires planning authorities to produce evidence of the amount of revenue raised by S106 contributions. It is suggested this be undertaken with respect to commercial development with the costs of any of those contributions that would still have to be secured through S106 agreements being deducted from the assessment of the CIL that can viably be levied.</p> <p>RCC does not appear to have done this such that it is difficult to see how the Council can be certain that the proposed CIL levy will not prohibit the viability of retail development without having obtained this evidence.</p> <p>Applying flat CIL rates to the size of supermarkets generates income 'for infrastructure' support that bears no relationship to the actual impact of the</p> | <p>point of view it does as s106 can be negotiated away and much of CIL goes to 'other things' like admin (5%) and the neighbourhood (15%). On balance, CIL is set at a low rate and well within the margins of viability.<br/>CIL <u>and</u> s106 can be paid out of the additional profit.</p> <p>RCC has evidence from 2 major food store applications that have been approved with S106 Agreements providing for developer obligations and contributions to community infrastructure that, in both cases, is approx. £150psm. These developments also carry significant on site investments in terms of parking, landscaping and traffic management (not included in this figure).</p> <p>The 'flat' CIL rate proposed takes account of the need for an element of on-site or development specific infrastructure that lies outside the Reg 123 priorities. The additional CIL contribution to pooled facilities will address wider development related infrastructure pressures as identified in the DIPL.</p> |  |
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|    |   | development on existing infrastructure and the investment to mitigate infrastructure incapacity. This differs from the S106 approach.   |  |          |
| 25 | Thomas Eggar LLP on behalf of ASDA  | <p>Implicit Size Threshold. This appears to be confused - the Council evidence refers to "a single storey retail development with a gross area of 6,000m2" but also refers to the Wycombe DC examiner definition as "shopping destinations in their own right where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit". These are not compatible definitions.</p> <p>The CIL regulations do not allow for different rates to be set solely on the size of developments that are intended for the same use. It is suggested the viability study should test a wider range of size thresholds to avoid unfairly supporting small retail units at the expense of larger ones.</p> <p>Several (named) authorities have dropped differential CIL charges on retail - it is suggested that this is because it is economically unviable and outside the scope of the CIL regulations.</p> | <p>The proposed CIL rates are not set by size alone. Different rates are proposed for supermarkets, retail warehouses and town centre retail.</p> <p>When modelling, specific values are required - the assumptions applied are set out at para. 9.34 of the 2013 viability report.</p> <p>At para.13.13 of the 2013 viability report the Wycombe approach is recommended.</p> | As above |
| 27 | The Planning Bureau Ltd on behalf of McCarthy & Stone Retirement Lifestyles Ltd | <p>Attention is drawn to advice in the Council's viability study that;</p> <ul style="list-style-type: none"> <li>- The 'site type' most comparable to that of a dedicated retirement home development is "town centre flats". The Planning Bureau suggests the costs of delivering specialist retirement homes is even greater than town</li> </ul>  | Agreed following Viability update undertaken in June 2014  | As above |

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|               |                          | centre flats such that the ability to stand CIL is even less.<br>- At para 9.31 the Council's viability study suggests that it is not viable to levy CIL on residential institutions such as residential care homes. The Planning Bureau suggests this should be extended to cover retirement and extra care homes. |   |          |
| <b>Rep No</b> | <b>Respondent</b>        | <b>Comments – Residential CIL Rate Supporte</b>   | <b>Officer Response</b>   |          |
| 5             | asra Housing Group       | Proposed CIL rate for residential development looks reasonable. It is also noted that affordable housing will be exempt.  | Noted   | As above |
| <b>Rep No</b> | <b>Respondent</b>        | <b>Comments – Residential CIL Rate too High</b>   | <b>Officer Response</b>   |          |
| 28            | Empingham Parish Council | Difficult to see why RCC wishes to charge £100 psm when other nearby councils are charging less as acknowledged in the PDCS I.E., Newark and Sherwood £0-£75, Shropshire £40 to £80 and Hunts £85.  | It is for each Charging Authority to determine objectively its own viability levels for CIL, although it is important to bear in mind CIL rates set in the general locality.<br>Proposed residential CIL in rural areas bordering Rutland in East Northants and Corby are at similar rates. | As above |
| 3             | Crouch                   | CIL charge too high, especially for residential buildings.  | Noted, but no evidence to support objection.  | As above |
| 19            | Bray                     | £100 psm is somewhat excessive for residential development and I would suggest that £60 to £70 would be a more acceptable figure  | Noted, but no evidence to support objection.  | As above |
| 20            | Larkfleet Homes          | The CIL rates for residential is too high and will undermine the viability of the development to the extent of preventing or delaying the delivery of new development across Rutland.<br>Residential rates of £65-£70 psm are more  | Review of 2013 Viability assessment undertaken to establish revised analysis of viability. This takes account of impact of intended change in relation to Affordable Housing requirements.<br>Further work on local S106 Agreements   | As above |

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|    |                           | <p>realistic for the current market and economic conditions. It is accepted that the rate will subject to bi-annual review and as and when market conditions change this can be re-assessed.</p>   | <p>reached on residential developments has been undertaken.</p> <p>It is of critical importance to set a CIL rate on residential that enables development being planned for to go ahead. Further work has been undertaken to evidence the Council's recent achievements in terms of securing S106 Agreements on residential development. The January 2013 viability Study has been reviewed in June 2014 to provide fresh evidence to support the proposed residential rate of CIL.</p> |          |
| 21 | Lucas Land and Planning   | <p>Concerned that the residential CIL charge proposed is quite high at £100psm.</p>  | See above   | As above |
| 22 | CLA Midlands              | <p>CLA has major concerns with the Council's proposals to charge £100 psm for rural market housing which is twice the cost of the equivalent housing in urban areas. A CIL figure of £80 psm has been agreed in a large county with a large rural area similar to Rutland.</p>   | See above   | As above |
| 23 | McCombie Smith Architects | <p>Concern about blanket imposition of £100 psm CIL charge on residential development as this will have a disproportionate impact on the small developer building one or two houses on small plots of land where many sites used are difficult (e.g., brownfield) with varied on costs.</p> <p>This proposed level of CIL is also payable in combination with S106 funding of up to £20k per single new dwelling for Affordable Housing. The total cost is unaffordable in</p> | <p>See above</p> <p>CIL amendments now render self-build housing , residential extensions and annexes exempt from CIL.</p>  | As above |

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|               |   | Rutland, especially in the current climate where obtaining finance for building continues to be difficult.   |  |  |
| 34            | Savills on behalf of HBF consortium             | The way in which the proposed residential rate has been derived is not entirely clear. The site types that appear to be relied upon for the remaining development growth that will attract CIL is said to be mainly site types 15 and 16 with some larger greenfield sites type 5 and 10 but analysis of the Proposed Submission SAPD allocations at Policy SP1 suggests other site types will be involved such that further analysis of this consideration is required to show that the proposed rate of CIL will not undermine delivery of the Proposed Submission SAPD. | The CIL update work now provides a clear link between the proposed residential CIL rate and the site types that the RCC Proposed Submission Site Allocations & Policies DPD relies on to see planned growth delivered  | As above   |
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| <b>Rep No</b> | <b>Respondent</b>                               | <b>Comments – Certain types of Residential CI</b>  | <b>Officer Response</b>  |  |
| 17            | Rapleys   | In respect of the assessment of housing site viability related to LPA standards of Affordable Housing provision, under 4.8 the report has assumed 70% - 80% of open market value for 'intermediate' housing products following a suggestion raised at a consultation event.<br><br>Compared to the depth of research set out to establish the values for social and affordable rented accommodation, there is a failure in the report to provide robust evidence for the assumptions made on intermediate values.  | It is not appropriate to factor in further concessions to take account of discounted open market residential development, the CIL provisions whereby Affordable Housing is exempt from the levy should remain confined to social housing as defined in the NPPF. | No change  |
| 27            | The Planning Bureau Ltd on behalf of McCarthy & | The CIL schedule should be adopted in a way that does not constrain the supply of retirement housing for the elderly. If this is not achieved there is a risk that delivery of the   | The June 2014 viability update has looked carefully at this issue and concluded that there are viability issues facing sheltered housing and extra-care  | The DCS now proposes that sheltered housing and extra-care housing |



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|  | <p>Stone Retirement Lifestyles Ltd</p> | <p>Council's development plan will be put in jeopardy.</p> <p>To support the objection The Planning Bureau submit viability appraisal inputs as a basis for measuring viability of this form of development to inform the setting of the draft Charging Schedule.</p> <p>The Planning Bureau ask that a consideration of the relative viability of retirement housing is made when set against both existing site values and a range of alternative values for the land on which a retirement home may be situated.</p> <p>CLG highlight that regulation 13 of the CIL regulations allows charging authorities to articulate different intended uses of development provided that the different rates can be justified by a comparative assessment of economic viability of those categories of development. The definition of 'use' for this purpose is not tied to the classes of development in the Planning Act (Use Classes) Order.</p> <p>Central Bedfordshire has set a charging rate for retirement housing at £nil and Dacorum a bespoke CIL rate has been set for retirement housing with extra care housing set at a £nil rate.</p> <p>Finally, it is suggested that without CIL being imposed on these forms of retirement home</p> | <p>housing schemes and that this requires a re-assessment of the CIL rate to be applied to this form of residential development..</p> <p>The Affordable Housing tariff on such developments will fall to negotiation on.</p> | <p>schemes should be made exempt from CIL.</p> |
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|               |                                    | developments evidence nationally suggest there is only of the order of £45 psm viability 'headroom' for Affordable Housing contributions such that if this is prioritised CIL should be set at £nil.   |   |  |
|               |                                    |  |   |  |
| <b>Rep No</b> | <b>Respondent</b>                  | <b>Comments – Retail CIL Rate too High</b>   | <b>Officer Response</b>   |  |
| 20            | Larkfleet Homes                    | The CIL rate for retail is too high and will undermine the viability of the development to the extent of preventing or delaying the delivery of new development across Rutland.  | The June 2014 viability update evidence suggests that the proposed rate of CIL is viable for the larger, weekly shop, based retail developments defined in the draft Charging Schedule. Evidence does support however adjustments to the proposed CIL rate for retail warehouses. | DCS amended to reduce CIL rate for Retail warehouse development. |
| 25            | Thomas Eggar LLP on behalf of ASDA | If the charges set out in the Charging Schedule are adopted there will be several consequences across Rutland that will put at risk the Council's ability to deliver the strategic objectives set out in its Core Strategy. For example;<br>a) all other forms of development will receive a massive subsidy at the expense of food retail (supermarkets), retail warehouses, hotel and residential development; and<br>b) there will be corresponding disincentive (and market distortion accordingly) to investment in this sector of the economy. | The evidence suggests there is insufficient viability to contribute a meaningful level of funding towards community infrastructure investment from other categories of development beyond those proposed for CIL.   | DCS amended to no longer apply CIL to hotel development.         |
|               |                                    |  |   |  |
| <b>Rep No</b> | <b>Respondent</b>                  | <b>Comments – Hotel CIL Rate too High</b>  | <b>Officer Response</b>   |  |
| 31            | Greetham Valley Hotel, Golf and    | At £150 psm CIL there will be no further hotel development in Rutland, therefore no extra jobs provided by hoteliers.  | The evidence from the January 2014 CIL viability study suggests that the Hotel sector has no capacity to  | DCS amended to no longer apply CIL to hotel development.         |

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|                                  | Leisure Club  | <p>I have considered an extension development to Greetham Valley Hotel by an additional 24 bedrooms. This extension would;</p> <ul style="list-style-type: none"> <li>- provide jobs within the construction industry and a further 12 jobs in the hotel for local people and thereby</li> <li>- increase the number of taxpayers;</li> <li>- would have the potential to bring into Rutland an extra 48 people per night to spend in the area;</li> <li>- increase the amount of business rates paid on the property.</li> </ul> <p>If CIL at the proposed rates is adopted this will add approx. £60k on the development cost making it unviable. All the above investment benefits will therefore be lost.</p> | contribute at the originally proposed CIL rate.   |             |
| <b>4. Other General Comments</b> |   |   |   |             |
|                                  |   |   |   |             |
| <b>Rep No</b>                    | <b>Respondent</b>                                     | <b>Comments - Exemptions and Discretionary Relief</b>   | <b>Officer Response</b>   |             |
| 26                               | Lucas Land and Planning on behalf of Uppingham School | Reference at paragraph 2.3 of the PDCS summary concerning charitable relief differs from advice in the 2010 Act where Regulation 43 sets out the conditions that must be met and in 2 states "the chargeable development must be wholly or mainly for charitable purposes ". Reference at paragraph 2.3 needs to be amended to comply with the regulations.   | Agreed.   | DCS amended |
| 8                                | NFU East Midlands Region                              | Would like to see farm workers and rural worker's houses considered as social housing and therefore made exempt from the  | There is no evidence to suggest that such housing should be made exempt from CIL. Council policy determines | No change   |

## Appendix E

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|    |                           | residential CIL rate of £100 per square metre. This is because the value of these dwellings is held down by the occupancy restriction whilst being an essential form of rural housing.  | that a financial contribution towards Affordable Housing is not sought on such developments.   |  |
| 22 | CLA Midlands              | CLA concerned that there is no allowance for housing needs for essential rural workers and would like clarification that dwellings for these workers will be treated the same as Affordable Housing with a nil rate set for CIL. This is because these properties are not sold for development gain and are unusually restricted by some form of occupancy condition which has already had a negative impact on the value of the development. | See Above  | No change  |
| 22 | CLA Midlands              | Where landowners decide to build houses to keep within their long term ownership to rent out, there are no capital receipts from which to fund a CIL charge, this would have to be met from existing revenues which land managers are trying to improve by diversifying to obtain an alternative rental income stream. In this case CIL should not be charged until a rental income is received.  | There is no evidence to suggest that such housing should be made exempt from CIL. There are also no provisions for deferring any payment of CIL until an income stream is generated by the charged development. The viability evidence suggests that there is the ability to pay CIL at the proposed rate. | No change  |
| 28 | Empingham Parish Council  | Self build residential development should be exempt from CIL.   | This is now exempt from CIL.   | DCS amended to take account of exemption to self-build housing |
| 23 | McCombie Smith Architects | The government's suggestion that self builders be exempt from CIL is supported but such builders should also be exempt from S106 Agreements as well.  | See Above  | DCS amended to take account of exemption to self-build housing |
| 35 | Wing Parish Council       | Individual houses should be exempt from this levy as per current government proposals.  | See Above  | DCS amended to take account of exemption to self-build housing |
| 7  | Exton Parish              | Concern that if individual home owners are  | CIL has now been amended such that   | As above   |

## Appendix E

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|    | Council                              | charged excessively for wanting to improve their home they are likely to move away from Rutland.   | residential extensions and annexes are now exempt from paying CIL.  |   |
| 30 | Ketton Parish Council                | We have no objection to CIL being introduced for larger developments of 3 or more properties where commercial interests are involved but do object to CILs for household extensions and small developments.  | See above regarding home extensions. There are no provisions to enable small residential development to be exempt from CIL  | As above  |
| 15 | National Federation of Gypsy Liaison | The proposal is supported provided Traveller sites are not subject to CIL. It is assumed that such sites will be treated in the same way as affordable housing.  | As with Mobile Homes, it is not proposed to levy CIL on residential pitches on traveller or gypsy sites.  | No change   |
| 25 | Thomas Eggar LLP on behalf of ASDA   | The Council is urged to consider exceptional circumstances relief (as it says it will). It should allow for strategic or desirable, but unprofitable development schemes to come forward by exempting them from CIL or reducing it in certain circumstances.   | There are no provisions for offering relief from CIL on the grounds that site specific costs render the development unprofitable without such relief. The Council's policies will allow for concessions in respect of S106 and Affordable Housing obligations where site development costs are abnormally high. | DCS and supporting papers amended to explain the Council's intended Planning Obligations and Developer Contributions policy to clarify relationship between CIL and RCC Affordable Housing and S106 policy. |
| 11 | English Heritage                     | English Heritage urges the Council to reserve the right to offer CIL relief for particular cases which affect historic assets in order to avoid unintended harm to the historic environment through the application of CIL. There may be instances, for example, where the requirement to pay CIL would threaten the viability of schemes designed to ensure the re-use of heritage assets identified as being 'at-risk' through 'enabling' development. | There are no provisions to offer relief from CIL to allow for higher development costs arising due to the historic status of the property. Again, the Council's policies allow for concessions in respect of S106 and Affordable Housing obligations where site development costs are abnormally high.          | DCS and supporting papers amended to explain the Council's intended Planning Obligations and Developer Contributions policy to clarify relationship between CIL and RCC Affordable Housing and S106         |

## Appendix E

|               |                                    |  |   | policy.  |
|---------------|------------------------------------|--|---|--|
|               |                                    |  |   |  |
| <b>Rep No</b> | <b>Respondent</b>                  | <b>Comments - Instalments</b>  | <b>Officer Response</b>   |  |
| 23            | McCombie Smith Architects          | Most small developer projects are bank funded and realise no cash return until a sale is completed so it is particularly onerous for such developers to pay CIL up front.  | The Council has reviewed its position on how to provide for CIL payments by instalment as a tool to increase viability at the proposed rates. | Revised CIL instalment policy set out in DCS and supporting papers |
| 20            | Larkfleet Homes                    | A flexible approach to the payment of CIL needs to be introduced with phase payments to ease the considerable burden of large up-front costs/payments. It is requested that an instalment policy be introduced as set out in the government's CIL guidance of 2012 and April 2013.   | Agreed see above.   | As above   |
| 17            | Rapleys                            | An instalments policy is a necessity in any CIL schedule as it will assist in the wider economic viability of new development. The RCC PDCS does not appear to suggest a defined phasing payment schedule. Such a policy should be reasonable, flexible and appropriate and based on completion/occupation of the development enabling developers to attain a sounder financial position to pay the CIL. | Agreed see above.   | As above   |
| 25            | Thomas Eggar LLP on behalf of ASDA | The Council should set an instalment policy allowing for staged payments in light of the findings of the viability study that "to require all CIL payments, particularly on large schemes, in the first year could have a dramatic and serious impact on the delivery of projects" (ref page ix).  | Agreed see above.   | As above   |
|               |                                    |  |   |  |
| <b>Rep No</b> | <b>Respondent</b>                  | <b>General Comment About Additional Information Required</b>   | <b>Officer Response</b>   |  |
| 34            | Savills on                         | Savills suggest additional supporting  | Noted. Item c) is dealt with above.   | Information on a)  |

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|  | <p>behalf of HBF consortium</p> | <p>information that should be published including;</p> <ul style="list-style-type: none"> <li>a) Guidance on how to calculate the relevant chargeable development/level of CIL;</li> <li>b) Guidance on liability to pay CIL/Appeals process;</li> <li>c) policy on payments by instalments;</li> <li>d) RCC's approach to payments in kind - notably valuation processes - and;</li> <li>e) Guidance on relief from CIL and a policy on exceptional circumstances for relief from CIL.</li> </ul> <p>Additional detail on these requirements is submitted.</p> | <p>Guidance on a) is included in background papers supporting the CIL DCS. Further guidance on b) not required as set out in regulations which RCC will follow. Further information and advice in the DCS on d) and e) not required at this stage but will be further reviewed as CIL progresses.</p> | <p>included in DCS Background Paper.</p> |
|--|---------------------------------|---|---|--|