CIL Examination Library
ADC/CIL/SD3

Combined Redacted
Regulation 17
Representations
Comment

Consultee: Mr Hamish Neathercoat (1100062)
Email Address: [Redacted]
Address: [Redacted]
Event Name: Arun Draft Charging Schedule 2019
Comment by: Mr Hamish Neathercoat (1100062)
Comment ID: DCS 20191
Response Date: 22/03/19 10:19
Consultation Point: Table 7.1 (View)
Status: Submitted
Submission Type: Email
Version: 0.4

Do you wish to comment on: the Draft Charging Schedule document

1. Draft Charging Schedule

Table no.

2. Are you? Commenting

3. Please detail your response in the box below

I have tried submitting this comment through your online portal, but your process is just too complicated.

I would like to register my concerns that it is misguided, ludicrous and ridiculous to rely solely on 106 payments for 'Strategic sites' and set the CIL payment at zero. Once developers have built hundreds/thousands of new homes they simply employ expensive lawyers to wriggle out of making 106 payments. This is why little and/or no infrastructure accompanies large scale house building. Planners should demand an 'upfront' payment per new house before any new build can take pace. This would ensure that all promised new infrastructure is put in place before the developers can wriggle out of making 106 payments.

Please wake up to the way it is, rather than burying your heads in the sand.
Comment

Consultee: Mrs Catherine Taylor (1194984)
Email Address: [Redacted]
Address: [Redacted]

Event Name: Arun Draft Charging Schedule 2019
Comment by: Mrs Catherine Taylor (1194984)
Comment ID: DCS 20192
Response Date: 23/03/19 12:06
Consultation Point: Table 7.1 [View]
Status: Processed
Submission Type: Web
Version: 0.1

1. Do you wish to be heard by the Examiner? Yes

2. Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008? No

3. Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations? No

4. Do you wish to be informed of the approval of the charging schedule by the charging authority? Yes
Do you wish to comment on: the Draft Charging Schedule document

a) Draft Charging Schedule

Table no.

Are you? Commenting

Please detail your response in the box below

I think the charging to support necessary infrastructure should ensure that land owners and developers pay for as much as possible of the new infrastructure required. The area is already significantly over crowded, the road system cannot cope, and neither can the schools, GP surgeries etc. The people who benefit from the sale of land and the building of houses are the landowners and developers, and so they should also bear the costs of all new infrastructure and services. I think those areas where the most new homes are built is where the charges should be highest. I also think that the scope of the infrastructure should include things like putting in mains gas for those many areas which still do not have this (despite it being 2019!) and ensuring safe pavements for pedestrians. There is a very poor bus service in the rural areas (zones 1 and 2 in particular) and this should also be something improved and funded by developers.
Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008?

Yes

3

Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations?

Yes

4

Do you wish to be informed of the approval of the charging schedule by the charging authority?

Yes

1.

Do you wish to comment on:

the Draft Charging Schedule document

a) Draft Charging Schedule
Please detail your response in the box below

Having reviewed the consultation document, Ferring Parish Council wish to submit the following comment specifically in respect of category:

**Sites of 11 and more Zone 4 £0/m² units.**

Any such sites could have a significant impact on smaller communities such as Ferring and consequently Ferring Parish Council contend that a CIL allocation or an equivalent of the Parish Council proportion of the CIL allocation, should be stipulated in the charging schedule and directly passed back to the appropriate parish council.

The impact of such developments on smaller parishes is disproportionately greater than with larger town councils and yet small parishes have limited ability to raise income for the local infrastructure and environmental demands associated with and compounded by increased housing density.

The CIL allocation, if clearly defined in the charging schedule, would provide valuable clarity and certainty for small councils, when budgeting for amenity expenditure, which would not necessarily be the case if relying solely on contributions from S.106 funding.
Comment

Consultee: Clerk (613338)

Email Address: *

Company / Organisation: Barnham Parish Council

Address: *

Event Name: Arun Draft Charging Schedule 2019

Comment by: Barnham Parish Council (Clerk - 613338)

Comment ID: DCS 20194

Response Date: 28/03/19 12:06

Consultation Point: Table 7.1 (View)

Status: Processed

Submission Type: Email

Version: 0.7

Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008? Yes

Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations? Yes

Do you wish to be informed of the approval of the charging schedule by the charging authority? Yes

Do you wish to comment on: the Draft Charging Schedule document

a) Draft Charging Schedule
Please detail your response in the box below

This is a joint response from Barnham and Eastergate Parish Councils:

The charging schedule applies for all new dwellings and extensions of 100sqm or more.

BEW Strategic Allocation (SD5) is Zone 1 and therefore £0 CIL. The rest of Barnham and Eastergate are zones 2 (built up area) and zone 3 (rural areas).

With regard to CIL on the BEW Strategic Allocation our position has not changed since our consultation submission on the Preliminary Draft Charging Schedule in December 2018 namely:

For the Strategic Allocation (Zone 1) the CIL charge is proposed to be £0/sqm. At a CIL briefing in March 2015 it was stated that the BEW Strategic Allocation would contribute £50/sqm. At £50/sqm the 2,300 house strategic development would have provided to B&E over the plan period to 2031 circa £2.0m which is approximately the cost of the community infrastructure we are asking for to support the growth of the community in B&E. This is now proposed to be zero. This is unacceptable as there has been no real material change in the commercial viability of housing developments despite the conclusions of the report.

We suggest, as a minimum, that ADC introduce a Zone 1 CIL charging band for larger houses of greater than 100 sqm. This is ‘viable’ because the incremental effect of per dwelling allocations of infrastructure costs means margins increase with size and house pricing. This would be a “progressive” charge that delivers funds to the parishes to part fund the consequential infrastructure needs on the areas surrounding the BEW Strategic Development such as Barnham retail centre and train station.

Since the Preliminary Draft Charging Schedule Aldingbourne, Barnham and Eastergate have published their report ‘S106 and CIL Requirements – Issue 1, 30th January 2019). This clearly shows that the infrastructure requirements in the villages adjoining the BEW Strategic Development are substantial particularly when timing of the Strategic Development is taken into account (Cala Homes, Westergate, followed by Northern Consortium followed by Southern Consortium). Community infrastructure is only planned by the Southern Consortium so we can demonstrate an evidence based infrastructure need in Barnham and Eastergate particularly over the next 10 years.

Historically negotiating S106 agreements has proven to be a challenging and unsuccessful process hence our support for a CIL Charging Policy on some of all of Zone 1. It gives the parishes greater certainty that we will receive the funding necessary to create new community infrastructure. This additional certainty is also beneficial when applying for grant funding as CIL funds will be usable as match funding (typically 50%). We are disappointed that our representations in response to the Preliminary Draft Charging Schedule do not appear to have been considered.
Comment

Consultee Mrs Glenna Frost (1196251)
Email Address 
Company / Organisation Bognor Regis Town Council
Address The Town Hall
Clarence Road
Bognor Regis
PO21 1LD
Event Name Arun Draft Charging Schedule 2019
Comment by Bognor Regis Town Council (Mrs Glenna Frost - 1196251)
Comment ID DCS 20195
Response Date 03/04/19 16:47
Consultation Point 1 Consultation Details (View)
Status Processed
Submission Type Email
Version 0.5

1. Do you wish to comment on: the Draft Charging Schedule document
   a) Draft Charging Schedule

   Paragraph no.

2. Are you? Commenting

3. Please detail your response in the box below
   No comment
Comment

Consultee
Mrs Juliet Harris (1193938)

Email Address
Littlehampton Town Council

Company / Organisation
The Manor House
Church Street
Littlehampton
BN17 5EW

Address

Event Name
Arun Draft Charging Schedule 2019

Comment by
Littlehampton Town Council (Mrs Juliet Harris - 1193938)

Comment ID
DCS 20196

Response Date
10/04/19 16:03

Consultation Point
7 The Draft Charging Schedule (View)

Status
Processed

Submission Type
Web

Version
0.3

1

Do you wish to be heard by the Examiner?
Yes

2

Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008?
Yes

3

Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations?
Yes

4

Do you wish to be informed of the approval of the charging schedule by the charging authority
Yes
1.

Do you wish to comment on: the Draft Charging Schedule document
a) Draft Charging Schedule

Table no.

2.

Are you? Objecting

3.

Please detail your response in the box below

EXTRACT MINUTES of a MEETING of the PLANNING AND TRANSPORTATION COMMITTEE held in the MILLENIUM CHAMBER, MANOR HOUSE, CHURCH STREET, LITTLEHAMPTON on MONDAY 1 APRIL 2019 at 6.30PM

176.3 Draft Charging Schedule and Community Infrastructure Levy (CIL)

176.3.1 The Committee received details of a consultation by the District Council which contained the proposed charging schedule for the Community Infrastructure Levy (CIL), (previously circulated). Members were disappointed that despite previous representations, it was still intended that development within the Town Centre would be extremely unlikely to attract CIL. The Town Council had consistently questioned the rationale behind this aspect of the proposals. Recalling the recent application to develop the former Waitrose supermarket site in Avon Road, Members considered that this demonstrated clearly the deficiencies in the District Council’s logic.

176.3.2 The Committee had strongly opposed the plans to re-develop the former supermarket site on the grounds that it would do nothing to enhance the Town Centre because it lacked appropriate infrastructure to manage / deter antisocial behaviour, improve public car parking and reverse the decline in the retail sector. In view of the change of use from retail to residential that had become a feature of the evolution of the Town Centre environment in Littlehampton, Members considered that this point remained pertinent. It was therefore RESOLVED that:

The Committee’s views as set out above, be forwarded to the District Council.
# Comment

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<th>Mr Ed Miller (650122)</th>
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<tr>
<td>Email Address</td>
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<tr>
<td>Company / Organisation</td>
<td>Ferring Conservation Group</td>
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<tr>
<td>Address</td>
<td>[Redacted]</td>
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1. **Do you wish to be heard by the Examiner?** No

2. **Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008?** No

3. **Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations?** Yes

4. **Do you wish to be informed of the approval of the charging schedule by the charging authority** Yes
1.

Do you wish to comment on: the Draft Charging Schedule document

a) Draft Charging Schedule

2.

Are you? Objecting

3.

Please detail your response in the box below

Ferring Conservation Group applauds the allocation of CIL to Parish Councils where there is a Neighbourhood Plan but objects to the zero charging rate for developments of 11 or more dwellings in Zone 4. In theory, such developments might meet their social obligations through S. 106 payments, or the obligation to provide affordable or social housing but it is far too easy for developers to claim that their scheme is not financially viable with these obligations, and so evade them.
Comment

Consultee: Mr Keith Meadmore (1099222)
Email Address: [Redacted]
Address: [Redacted]
Event Name: Arun Draft Charging Schedule 2019
Comment by: Mr Keith Meadmore (1099222)
Comment ID: DCS 20198
Response Date: 25/04/19 11:13
Consultation Point: 6 Viability Evidence (View)
Status: Processed
Submission Type: Web
Version: 0.5

1. Do you wish to be heard by the Examiner? No

2. Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008? No

3. Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations? Yes

4. Do you wish to be informed of the approval of the charging schedule by the charging authority? Yes

Do you wish to comment on: the Draft Charging Schedule document
a) Draft Charging Schedule

Paragraph no.

2.

Are you? Commenting

3.

Please detail your response in the box below

The information presented in the principal document CIL Viability Update – July 2018 and Appendix is useful in illustrating how the CIL Viability Assessment is conducted, but the reader must be very guarded if used as the basis upon which any decision is to be made or meaningful conclusions drawn from whatever HDH might recommend and/or the Viability Threshold and Residual Values might suggest.

In deciding whether to impose the Community Infrastructure Levy ["CIL"] instead of or in addition to s106 contributions the ADC Officers and those others empowered to so determine will draw upon the information which has been presented to them.

In relation to what is designated Zone 1, namely all of the developments taking place in the Strategic Development Sites, HDH P&D Ltd recommend that the Zone 1 identified developments should be zero rated as otherwise such developments are unviable from the developers' perspective per their calculation of the Viability Threshold and Residual Value. This may in fact be what ADC are inclined to do anyhow to encourage and ensure a development proceeds, but the underlying financial workings presented to them will likely still have some bearing upon their final decision. If, as we understand it, ADC are satisfied already that the s106 contributions are sufficient as a contribution towards infrastructure, then that’s fine provided we all understand that whereas the CIL would be payable at the start, s106 are payable mostly according to ‘trigger’ stages and it could be 3 years before some contribution are forthcoming, perhaps could be subject to revisions pre or post the s106 Agreement actually being finalised, and, ADC will need other s106 protective measures in the event of any default by the developer.

But how reliable is the information provided in the CIL Viability Update – July 2018?

Using the 1st listed SD, Site 1, namely Pagham South which involves 400 dwellings, the ‘uplift’ to the Alternative Use Value is purely theoretical when this document was put together as to what might or might not be necessary to induce a Landowner to sell. For this Site and other SD’s listed it uses £25,000 /Ha +20% uplift +£300,000 additional uplift. Perhaps there was a moment in time when this was true and correct for this development, or it is based on some real situation elsewhere in the country and seen as useful as an example. But as soon as planning approval was granted 24th October 2018 the land value will have substantively increased in the hands of the original and continuing landowners and it is not unusual for landowners and developers to collaborate closely in such matters to, quite legally, maximise available Entrepreneur’s Relief to the land seller thereby reducing CGT from 18% to only 10% under the £10m lifetime exemption, and, the developer who will wish to mitigate wherever possible the 19% Corporation Tax liabilities on net profit.

Some of the other baseline cost assumptions are similarly worthy of closer scrutiny. For example, architect costs across the board are 6% of total costs averaging out at £10,032 per dwelling. Surely, not each of 400 dwellings is being uniquely and individually designed. Similarly, a standard 2.5% abnormal contingency provision is included which might indeed be appropriate for Site 9, a brown site, but surely not for virgin agricultural land. Stamp duty payable on a developers purchase of land will of course be partly or wholly rebated under quick succession relief when the property is ultimately sold to the end customer.

The point I am making to all this is that the CIL Viability Update – 2018 uses theoretical values, standard Industry benchmark values, market appraisal, or conforms to allowance parameters laid down by the regulators when devising the viability mechanics. It does not necessarily reflect the true viability threshold (breakeven point) or residual value (net profit) of the actual development. I leave to ADC’s
in-house experts and its Councillors to decide whether or not to re-crunch the numbers before committing to Zero £ band for the SD Sites.
### Comment

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<tr>
<td>Consultee</td>
<td>Mrs Val Knight (1094554)</td>
</tr>
<tr>
<td>Email Address</td>
<td>Clymping Parish Council</td>
</tr>
<tr>
<td>Company / Organisation</td>
<td>33 The Ridings</td>
</tr>
<tr>
<td>Address</td>
<td>East Preston</td>
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1. **Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008?**
   - Yes

2. **Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations?**
   - Yes

3. **Do you wish to be informed of the approval of the charging schedule by the charging authority?**
   - Yes

4. **Do you wish to comment on:**
   - the Draft Charging Schedule document

   a) Draft Charging Schedule
2. Are you?

3. Please detail your response in the box below

The consultation has been noted by Council.
Comment

Consultee: Mrs V Knight (613325)

Email Address: Kingston Parish Council

Company / Organisation: 33 The Ridings
East Preston
BN16 2TW

Address: Arun Draft Charging Schedule 2019

Event Name: Kingston Parish Council (Mrs V Knight - 613325)

Comment by: DCS 201910

Comment ID: 24/04/19 16:49

Response Date: 1 Consultation Details (View)

Consultation Point: Processed

Status: Email

Submission Type: 2

Version: 0.3

Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008?

Yes

3

Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations?

Yes

4

Do you wish to be informed of the approval of the charging schedule by the charging authority?

Yes

1.

Do you wish to comment on:

a) Draft Charging Schedule

the Draft Charging Schedule document
2. Are you? Commenting

3. Please detail your response in the box below

   Council has noted the CIL consultation information.
Comment

Consultee Mr David Myers (699962)
Email Address 
Company / Organisation Bognor Regis Regeneration Board
Address 
Event Name Arun Draft Charging Schedule 2019
Comment by Bognor Regis Regeneration Board (Mr David Myers - 699962)
Comment ID DCS 201911
Response Date 02/05/19 11:43
Consultation Point 1 Consultation Details (View)
Status Processed
Submission Type Web
Version 0.3

1 Do you wish to be heard by the Examiner? No

2 Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008? Yes

3 Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations? Yes

4 Do you wish to be informed of the approval of the charging schedule by the charging authority Yes
1.

Do you wish to comment on:

the Draft Charging Schedule document

a) Draft Charging Schedule

Paragraph no.

2.

Are you?

Supporting

3.

Please detail your response in the box below

The Regeneration Board supports the CIL proposal but is concerned that governance of the contributions are robustly managed by a transparent governance scheme with a CIL Executive Board. This could comprise of senior Arun officials and relevant cabinet members. The CIL Guidance sets out that a portion of CIL money is passed back to the Town or Parish Council's where development takes place. The contributions need to be monitored and seen to be distributed according to the CIL guidance and are ring fenced.
Comment

Consultee Mr Alan Byrne (852419)
Email Address Historic England
Company / Organisation South East
Address Eastgate Court
Guildford
GU1 3EH
Event Name Arun Draft Charging Schedule 2019
Comment by Historic England (Mr Alan Byrne - 852419)
Comment ID DCS 201912
Response Date 30/04/19 15:14
Consultation Point 1 Consultation Details (View)
Status Processed
Submission Type Email
Version 0.7
Files Arun CIL Draft Charging Schedule (HE response)-21.01.19_Redacted.pdf

2

Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008? Yes

3

Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations? Yes

4

Do you wish to be informed of the approval of the charging schedule by the charging authority Yes
Do you wish to comment on: the Draft Charging Schedule document

a) Draft Charging Schedule

Paragraph no.

2.

Are you? Commenting

3.

Please detail your response in the box below

We have no additional comments to make at this time further to our letter dated 21st January 2019 in response to the Regulation 15 Consultation (see letter attached)
Dear Sir or Madam,

Arun District Council Community Infrastructure Levy Draft Charging Schedule

Thank you for your e-mail of 10 December 2018 advising Historic England of the consultation on the Council’s Preliminary Draft Community Infrastructure Levy Charging Schedule. As the Government’s Statutory Advisor on the Historic Environment, Historic England is pleased to make the following comments.

Historic England advises that CIL charging authorities identify the ways in which CIL, planning obligations and other funding streams can be used to implement the policies within the Local Plan aimed at and achieving the conservation and enhancement of the historic environment, heritage assets and their setting.

The Community Infrastructure Levy covers a wide definition of infrastructure in terms of what can be funded by the levy and is needed for supporting the development of an area. This can include:

- Open space: as well as parks and green spaces, this might also include wider public realm improvements, possibly linked to a Heritage Lottery Fund scheme, conservation area appraisals and management plans, and green infrastructure;
- ‘In kind’ payments, including land transfers: this could include the transfer of an ‘at risk’ building;
- Repairs and improvements to and the maintenance of heritage assets where they are an infrastructure item as defined by the Planning Act 2008, such as cultural or recreational facilities.

The Localism Act 2011 also allows CIL to be used for maintenance and ongoing costs, which may be relevant for a range of heritage assets, for example, transport infrastructure such as historic bridges or green and social infrastructure such as parks and gardens.
Historic buildings may offer opportunities for business or employment use – infrastructure to support economic development. Investment in heritage assets (e.g. listed buildings at risk) and the wider historic character of a place (e.g. conservation areas at risk) may also serve to stimulate and support the tourism offer and attractiveness of a place to retain and attract economic development, which may be particularly important in supporting the viability of town centres. Conversely, vacant or underused heritage assets not only fail to make a full contribution to the economy of the area but they also give rise to negative perceptions about an area and discourage inward investment.

We therefore suggest that the Council should consider whether any heritage-related projects within the district would be appropriate for CIL funding. The Local Plan’s evidence base may demonstrate the specific opportunities for CIL to help deliver growth and in so doing meet the Plan’s objectives for the historic environment.

The Council should also be aware of the implications of any CIL rate on the viability and effective conservation of the historic environment and heritage assets in development proposals. For example, there could be circumstances where the viability of a scheme designed to respect the setting of a heritage asset in terms of its quantum of development could be threatened by the application of CIL. There could equally be issues for schemes which are designed to secure the long term viability of the historic environment (either through re-using a heritage asset or through enabling development).

Paragraph 126 of the National Planning Policy Framework requires that local planning authorities set out, in their Local Plan, a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In relation to CIL, this means ensuring that the conservation of its heritage assets is taken into account when considering the level of the CIL to be imposed so as to safeguard and encourage appropriate and viable uses for the historic environment.

We consider it essential, therefore, that the rates proposed in areas where there are groups of heritage assets at risk are not such as would be likely to discourage schemes being put forward for their re-use or associated heritage-led regeneration. In such areas, there may be a case for lowering the rates charged.

In addition, we are encouraging local authorities to assert in their CIL Charging Schedules their right to offer CIL relief in exceptional circumstances e.g. where development which benefits heritage assets and their settings may become unviable it was subject to CIL. We also urge local authorities to then offer CIL relief where these circumstances apply.

We would recommend that if such exceptional circumstances are recognised, the conditions and procedures for CIL relief be set out within a separate statement following the Charging Schedule.
The statement could set out the criteria to define exceptional circumstances and provide a clear rationale for their use, including the justification in terms of the public benefit (for example, where CIL relief would enable the restoration of heritage assets identified on Historic England’s Heritage at Risk Register). For clarity the statement could also reiterate the necessary requirements and procedures which would be followed in such cases, including the need for appropriate notification and consultation.

It should also be remembered that development-specific planning obligations may still continue to offer further opportunities for funding improvements to and the mitigation of adverse impacts on the historic environment, such as archaeological investigations, access and interpretation, and the repair and reuse of buildings or other heritage assets.

Historic England strongly advises that the Council’s conservation staff are involved throughout the preparation and implementation of the Draft Charging Schedule as they are often best placed to advise on local historic environment issues.

I attach an Appendix to this letter that sets out some background information on the relationship of infrastructure with the historic environment which I hope will be helpful in explaining Historic England’s position on infrastructure and CIL.

If you have any queries on the points raised in this letter, please contact me.

Thank you again for consulting Historic England.

Yours faithfully,

Alan Byrne
Historic Environment Planning Adviser
APPENDIX

INFRASTRUCTURE AND THE HISTORIC ENVIRONMENT

Infrastructure

The National Planning Policy Framework endorses the role of the historic environment in sustainable development. It notes that pursuing sustainable development involves seeking positive improvements in the quality of the historic environment. There can often be a range of ways in which the historic environment can contribute to and benefit from the range of infrastructure and investment needs that are required for sustainable development and communities.

Physical Infrastructure

Heritage assets can help to deliver a range of infrastructure needs associated with housing, economic development and sustainable transport networks.

Historic buildings within or in the vicinity of a settlement may offer opportunities for residential reuse, including for affordable housing [see Affordable Rural Housing and the Historic Environment, http://www.historicengland.org.uk/images-books/publications/affordable-rural-housing-amp-the-historic-environment/].

Heritage assets can be economic assets in their own right and support the regeneration of areas as well as the tourism economy. For example, the adaptive reuse and repair of historic buildings may offer opportunities for business or employment use. More generally the investment in heritage assets (e.g. buildings at risk), and the wider historic character of a place (e.g. conservation areas at risk) may also serve to strengthen and reinforce the attractiveness of a place to retain and attract economic development and to stimulate and support the area’s tourism offer. Investment could be directed to establishing or extending area-based schemes aimed at regenerating valued historic townscapes, as exemplified by Townscape Heritage Initiatives funded through the HLF. Specific opportunities may also exist to further develop the tourism offer of established heritage assets open to the public and their links to nearby settlements.

The following publications illustrate practical examples of where the protection and adaptation of historic places through active management (constructive conservation) has delivered social and economic benefits:


Improvements to the public realm in town and village centres can help encourage walking and cycling and support the delivery of sustainable transport objectives. They can also support the delivery of the objectives for the historic environment through helping to deliver conservation area management plans and tackling issues related to conservation areas being identified as at risk. Improvements could include promoting community based de-cluttering audits and the better coordination of signage and street furniture as promoted through Historic England’s Streets for All programme. Improvements in the overall quality, character and indeed functioning of areas can also contribute to...
wider policy aims linked to tourism, the economy and the built environment. Practical guidance on community audits and managing, designing and maintaining the public realm is available at: http://www.helm.org.uk/server/show/nav.19637.

In certain cases the direct investment in a heritage asset might be required for supporting the development of an area. For example, this could include investment in the improvement and or maintenance of a historic bridge where it is part of the transport infrastructure for the planned development.

Social and Community Infrastructure

Historic buildings, including places of worship, can accommodate many social and community services and activities as well as represent a focus for the community in their own right. Investment in their continued or improved maintenance could be warranted in supporting and extending the capacity of existing infrastructure. Promoting the adaptive reuse of a vacant or underused building or facilitating the multiple-use of existing buildings for a wider range of community services might also offer the opportunity to support the repair and maintenance of historic buildings, particularly where identified nationally or locally as a building at risk.


The community transfer of assets may also be an option for delivering infrastructure and the sustainable management of a heritage asset. Guidance for local authorities, public sector bodies and community groups on the transfer the ownership and management of historic buildings, monuments or landscapes is available on the English Heritage website [Pillars of the Community: The Transfer of Local Authority Heritage Assets, 2011]: http://www.historicengland.org.uk/images-books/publications/pillars-of-the-community-summary/

In supporting access to green space and encouraging walking and cycling, extensions to the public rights of way network can include improving access to heritage assets and their improved interpretation and enjoyment. The provision of open space might also be linked to improving public access to historic landscapes in the vicinity of a settlement.

Social and community infrastructure may also include cultural facilities such as a local museum. Investment may offer opportunities to widen and improve its use by existing and new communities as well as support the tourism economy.

Green Infrastructure

The historic environment and heritage assets can make a valuable contribution to green infrastructure networks and its wider functions, as for example in providing leisure and recreation opportunities, encouraging walking and cycling and strengthening local character. Historic places such as historic parks and gardens, archaeological sites, the grounds of historic buildings and green spaces within conservation areas can form part of a green infrastructure network as well as underpin the character...
and distinctiveness of an area and its sense of place. Other heritage assets can also offer a range of opportunities such as canal networks and churchyards and the wider countryside including networks of ‘green-lanes’, common land and historic parkland.
Comment

Agent: Ian York (1150901)
Email Address: 
Company / Organisation: Lichfields
Address: 14 Regent's Wharf
London
N1 9RL
Consultee: (1150908)
Company / Organisation: Bourne Leisure
Address: 1 Park Lane
Hemel Hempstead
HP2 4YL
Event Name: Arun Draft Charging Schedule 2019
Comment by: Bourne Leisure (- 1150908)
Comment ID: DCS 201913
Response Date: 01/05/19 16:02
Consultation Point: 7 The Draft Charging Schedule [View]
Status: Processed
Submission Type: Email
Version: 0.4

1

Do you wish to be heard by the Examiner? Yes
2

Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008? Yes
3

Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations? Yes
Do you wish to be informed of the approval of the charging schedule by the charging authority

Yes

Do you wish to comment on:

the Draft Charging Schedule document

a) Draft Charging Schedule

Table no.

Are you?

Objecting

Please detail your response in the box below

On behalf of our client, Bourne Leisure Limited (“Bourne Leisure”), please find below representations on Arun District Council’s Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS).

By way of background to these representations, Bourne Leisure operates more than 50 holiday sites in Great Britain in the form of holiday parks, family entertainment resorts and hotels, and is a significant contributor to the national tourist economy, as well as local visitor economies. Within Arun, Bourne Leisure operates Church Farm Holiday Village and Butlins Bognor Regis.

This consultation on the Arun Draft Charging Schedule (DCS) March 2019 is the second stage in preparing a CIL Charging Schedule. We submitted a representation to the first round of consultation on the Preliminary DCS in January 2019. This sought an amendment to the draft document to make it clear the proposed “residential” CIL rate will not apply to purpose-built rental units or static caravan holiday units within holiday parks or holiday resorts.

The Council has responded to our representations (Ref. PDCS27) confirming the following:

“It is correct that this particular type of development is used for holiday use if it is paying business rates and not council tax. It will be for the applicant to provide this information to differentiate between residential and holiday uses”.

We are grateful for this acknowledgment which is useful to an extent, but the emerging Charging Schedule remains ambiguous and it should not be for an applicant to search back through the evidence base and consultation reports to determine whether or not a levy will be expected. Therefore, it is necessary to reiterate our previous comments set out in our letter dated 21 January 2019.

Bourne Leisure wishes to reiterate that the emerging Charging Schedule should make clear that the proposed “residential” CIL rate does not apply to purpose-built rental or static caravan holiday units within holiday parks or holiday resorts. This type of holiday accommodation is wholly distinct from residential development and is not comparable to other types of seasonal holiday lets that could also be used as dwellings. It is narrowly restricted to holiday use and can only be occupied while holiday parks and resorts are open. The units typically are used for short term lets of typically three, four or seven days at a time, by any family or group.

The level of ambiguity remains when it comes to applying the CIL charge in the future as there is no specific definition of “residential” within the Draft Charging Schedule. For clarity, Bourne Leisure considers that one of two routes should be taken to resolve this important issue:

1 Include a specific definition of “residential” within the emerging Charging Schedule which sets out what uses are excluded from the residential category. This definition should clearly specify that...
“purpose-built holiday rental units or static caravan units within holiday parks or resorts” are excluded from this CIL category; or

2. Include “Purpose-built holiday rental units or static caravan holiday accommodation within holiday parks or resorts” as a separate development category within Table 7.1 and confirm that this would incur a zero rate CIL charge.

We trust that these representations are clear and will assist the Council and CIL Examiner in finalising the CIL Charging Schedule.
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1. Do you wish to be heard by the Examiner? Yes

2. Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008? Yes

3. Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations? Yes

4. Do you wish to be informed of the approval of the charging schedule by the charging authority? Yes

Do you wish to comment on: the Draft Charging Schedule document
a) Draft Charging Schedule

Paragraph no.

2.

Are you? Commenting

3.

Please detail your response in the box below

Build To Rent: whether this be flats, rooms or a house.

The only mention I could find of Build To Rent in the CIL Viability Update July 2018 (CILVU); where it is referred to in the context of return to developers. It is not considered as a distinct development type in the charging schedule although it is recognised as one in guidance (as CILVU paragraph 5.6).

The closest other category of development is the rather similar Student Housing; which the CILVU at 6.27 says "In the 2017 Viability Assessment, Student Housing was assessed as unviable. Since then...Viability has therefore deteriorated and there is not scope to seek CIL from this type of development". The 2017 work pointed out the growth of Chichester University and its use of Halls of Residence and managed houses. I understand from the Council's Regeneration Head that there will still be a need for student accommodation even with the new accommodation at the Engineering and Digital campus.

The viability problems of Build To Rent are known: income is received over many decades, rather than in one lump sum after completion; leading to it not competing with land values generated by other housing forms like build for sale; needing minimal cost planning obligations; and where they are built they tend to be in very large numbers to achieve economies of scale. Such large scale Build To Rent is unlikely in Arun.

But CIL would make small Build To Rent schemes unviable, when it is everyone's interests to have purpose built rented accommodation; rather than say conversions of old houses or offices via Permitted Development. New Build To Rent development could be built to the latest disability access, sustainability, non-fossil fuel (as with the Chancellor's announcement), and space standards!

Newly built rented houses could for example also be helpful to those who typically live in the district for a few years while working in a big local (or Chichester) firm. They tend to want good quality accommodation, as is much rented housing in the countries they may come from (where there is less owner occupation and more people are used to renting, and into an older age).

The Charging Schedule ought to make clear that both Build To Rent and Student Housing are rated for CIL as £0/sqm.. This would be best expressed as part of the "All other development" category at the foot of the table, by inclusion in brackets afterwards. Otherwise, someone might assume these two are included in the "units" at the top of the table, even if they were instead called dwellings.

Should a qualifying period after construction need to be defined (e.g. in the notes following the charge table) for Build To Rent, this could be 3 years: as it is for self-builders to occupy homes under the CIL Regulations.
**Comment**

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1. Do you wish to be heard by the Examiners?  
   Yes

2. Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008?  
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3. Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations?  
   Yes

4. Do you wish to be informed of the approval of the charging schedule by the charging authority  
   Yes

5. Do you wish to comment on:  
   an Evidence Base Document
b) Evidence Base

Arun CIL Viability Report (July 2018)

2.

Are you? 

Commenting

3.

Please detail your response in the box below

Viability and justification of CIL on the smallest housing developments

My concern is about very small developments in Zone 4: urban Coastal. It is on two counts. 

(A) Effects on small builders which the Government wishes to encourage, to provide a greater competition in house building.

It appears from the CILVU that CIL is viable for under 10 homes; due to these not having to provide affordable housing (so 11+ homes are considered unviable for CIL).

You will know that the Government is keen to encourage small builders/developers, which is why small sites were made exempt from affordable housing obligations. Government has also considered making Plans have provision for small sites as part of total housing numbers.

So some may see CIL as a new disincentive, after seeing the back of the previous one.

There is an argument that the cost of CIL should be borne by the landowner. But especially for small sites this may not be the case because:

-land may have already been bought, or a sale or Option agreed, but planning permission not obtained by the time CIL comes in, so the cost will fall instead to the builder (in due course this problem may pass with the passage of time); and more importantly

-for sites capable of accommodating one house, landowners will not be inclined to reduce the land price to reflect CIL; because self-builders -who are not liable to pay CIL- are part of the market for single plots; thus in competition with small builders.

So CIL charged on single plots in the least viable Zone would put small builders at a disadvantage. They have to make a profit (unlike self-builders who have other motives) and would not benefit from the self-build CIL exemption.

(B) Unclear consideration of some development land values

The CILVU July 2018 Tables 6.1a&b, 6.2, 6.3a&b to 6.7a&b all have figures for agriculture, paddock and industrial land. No examples are given for land which is already in a housing value use e.g. part of an existing residential garden or outbuildings etc. or housing land which might be redeveloped more intensively.

Also, Table 4.13 Recent Sales of Development Land (like Appendix 3 Development Price Paid Data table) does not have any price paid data for residential development land. Both tables also do not have any price paid data for sites where the yield is less than 10 units.

It is not exactly clear what the definitions of the "single greenfield" and "single brown" example categories are. But for these to have residual values (with CIL assumed as £0) of £2.6million and nearly £2million respectively seems very high; and certainly not equivalent to small developments on housing value land in the urban Coastal zone.

Thus it is unclear what effects different levels of CIL would have on development/redevelopment of housing land viability (and see the example immediately below of unviability).

Development or redevelopment on land already in a housing use may involve some existing buildings, the internal area of which could be offset against the CIL liability; or it may not.

For both (A) and (B)
The CILVU recognises the contribution that small sites as windfalls makes to housing provision. This ought to be encouraged, or at least not discouraged. Obviously a house paying no CIL will still help housing numbers: something seen by builders/developers as a disincentive to viable development risks not getting either the CIL income or another house towards the target.

Single plots for just one house are those where there will be competition between self-builders and small builders to buy land.

It is single plots where a one-off house design is most likely to be required, e.g. to fit in with the surroundings. So single plots cannot benefit from economies of scale which might arise from two or more houses, or as many as ten, being built on a small site.

It may be surprising that a single house development may have viability issues, but they can in Zone 4 (and some parts of the Zone have to pay the Pagham Harbour Obligation). I know of a case in that Zone where non-viability of a single house development to pay an affordable housing contribution was accepted in principle by [the Housing Strategy and Enabling Manager] of ADC: at the time he had authority to only give a partial discount, not a full one: shortly afterwards the national exemption was confirmed after the end of court cases on the issue and so the issue of a full or greater discount went away.

It would be rational for single houses in the urban Coastal Zone 4 -the least viable zone- to be rated £0/sqm. This might be easier than an alternative of having to go through a viability assessment in each case. Then for 2-10 units the currently proposed charge would still apply.

The comparison of two flats built on the same footprint as one house, where two flats in Zone 4 would pay £0 CIL but the house have to pay say £7,000-£10,000 in CIL is interesting. There can be covenants (and perhaps planning considerations) which would make one house acceptable, but two flats not; a situation which I think is less likely to arise in the case of a site which could accommodate two houses, rather than say 4 flats on the same footprint.

Some tables in Appendix 4 are far too small to read on the page, even to make out a title or reference. As that Appendix doesn't have page numbers, it is hard for me to identify them; but they are the smallest tables so you can easily tell which they are.

The CILVU mentions the Regulations and guidance on CIL viability, and effects should be taken as a whole; rather than for specific sites. It also says CIL should not be set at the limits of viability and that Regulation 13 gives flexibility to charge variable rates by zone and differential rates, as the draft Charging Schedule has already done to a welcome extent.

It just needs to go a bit further in terms of clarifying the situation for Student Housing and Build To Rent housing typologies. And it would appear that it needs to go further for the category of single plots in Zone 4: to make them fair in CIL terms and viable.
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1. Do you wish to be heard by the Examiner? Yes

2. Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008? Yes

3. Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations? Yes

4. Do you wish to be informed of the approval of the charging schedule by the charging authority? Yes

Do you wish to comment on: the Draft Charging Schedule document
a) Draft Charging Schedule

Paragraph no.
2.

Are you? Commenting
3.

Please detail your response in the box below

Discretionary Reliefs

The charging schedule says at para 9.4 that the Council will consider whether to implement discretionary reliefs following adoption of the charging schedule.

The exact reliefs the Council intends to adopt ought to be included in the schedule consulted upon, in the same way as the rest is subject to consultation. Then one knows the figures and whether or not discretion is to apply.

As well as “exceptional circumstances” the addition of a discretionary relief for non-viability could/should be added. But it would seem preferable for all concerned to tackle the above viability issues, and clarifications required; in order to save everyone from the effort of viability assessments.
Comment

Consultee
Highways England (1154760)

Email Address

Company / Organisation
Highways England

Address
Bridge House
1 Walnut Tree Close
Guildford
GU1 4LZ

Event Name
Arun Draft Charging Schedule 2019

Comment by
Highways England (Highways England - 1154760)

Comment ID
DCS 201917

Response Date
02/05/19 11:03

Consultation Point
1 Consultation Details (View)

Status
Processed

Submission Type
Email

Version
0.3

Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008?
Yes

Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations?
Yes

Do you wish to be informed of the approval of the charging schedule by the charging authority
Yes

Do you wish to comment on:
the Draft Charging Schedule document

a) Draft Charging Schedule
Thank you for inviting Highways England to comment on the Arun Draft Charging Schedule 2019 Consultation.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN.

Following our previous comments on the Arun Preliminary Draft Charging Schedule 2018 Consultation in January 2019 as attached, with confirmation that they are being addressed on page 8 of the attached “Background Paper 1 - Summary of Arun CIL PDCS Consultation Representations (January, 2019)”, we have no further comments at this time.
Comment

Consultee: Mr Mathieu Evans (1100239)
Email Address: [Redacted]
Company / Organisation: Gladman Developments
Address: Alexandria Way
              Congleton
              CW12 3TY
Event Name: Arun Draft Charging Schedule 2019
Comment by: Gladman Developments (Mr Mathieu Evans - 1100239)
Comment ID: DCS 201918
Response Date: 02/05/19 13:20
Consultation Point: 9 Exemptions and Relief (View)
Status: Processed
Submission Type: Email
Version: 0.3

Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008? Yes

Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations? Yes

Do you wish to be informed of the approval of the charging schedule by the charging authority? Yes

Do you wish to comment on: the Draft Charging Schedule document

a) Draft Charging Schedule
Gladman Developments Limited has considerable experience in the development industry in a number of sectors, including residential and employment land. Gladman note that the intention of this consultation is to seek comments on the Draft CIL Charging Schedule for Arun.

It is noted that the Draft Charging Schedule remains largely as previously submitted, Gladman would therefore reiterate many of the points raised in our previous consultation response.

**Draft Instalments Policy**

The introduction of a draft instalments policy is welcome. However, Gladman believe that the payment of CIL sums for major development should be linked to the occupation of numbers of units, not merely the dates outlined in the table.

**Exceptional Circumstances Relief**

CIL Regulation 55 allows for the implementation of a policy for the charging authority to exercise discretionary relief from CIL liability in exceptional circumstances. This should operate on a case by case basis, with the assessment adjudicated by an independent person. It is noted that the consultation document states in paragraph 9.4 that the Council will consider whether to implement discretionary relief following the adoption of the Charging Schedule.

Given that all of the strategic allocations within the plan are zero rated for CIL, partly because of site specific infrastructure needs, there is clearly an established case for some development needing to be zero rated for CIL in order to fund infrastructure to support development. The reason for the exceptional circumstances relief policy is for exactly such a circumstance, for example if one of the major developments within the plan did not come forward as envisaged, due to legal challenge etc. there may be a need for an alternative strategic site. During the process of determining such an application the Council may arrive at the position that it wants to support such an application but viability shows that the infrastructure needed to delivery it needs to be paid for separate to CIL.

Gladman therefore strongly encourage the Council to introduce a discretionary relief policy when putting the CIL charging schedule in place. We believe that this should be decided through the consultation process and subsequent examination of the CIL.
Comment

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Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008? Yes

3

Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations? Yes

4

Do you wish to be informed of the approval of the charging schedule by the charging authority 1. Yes

Do you wish to comment on: the Draft Charging Schedule document

a) Draft Charging Schedule
When establishing a funding gap that CIL receipts are intended to contribute towards filling, it is vital that the Council take account of every possible income stream. This has to include an accurate assessment of future New Homes Bonus and council tax and business rates receipts generated as a result of new developments allocated in the Local Plan, as well as central government funding streams. This should also include an assessment of statutory undertakers’ asset management plans, as these companies will at some stage be upgrading their systems/facilities. This also needs to be taken account of when assessing the infrastructure requirements of the authority.
Comment

Agent: MDAssociates (1209466)
Email Address: [redacted]
Address: 5 Chancery Lane
London
WC2A 1LG

Consultee: Haskins Garden Centre Ltd (1209467)
Address: X
X
X

Event Name: Arun Draft Charging Schedule 2019
Comment by: Haskins Garden Centre Ltd (1209467)
Comment ID: DCS 201920
Response Date: 02/05/19 10:53
Consultation Point: 7 The Draft Charging Schedule (View)
Status: Processed
Submission Type: Email
Version: 0.3

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Do you wish to be heard by the Examiner? Yes

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Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations? Yes
Do you wish to be informed of the approval of the charging schedule by the charging authority

Yes

1.

Do you wish to comment on:

the Draft Charging Schedule document

a) Draft Charging Schedule

Paragraph no.

2.

Are you?

Commenting

3.

Please detail your response in the box below

These representations are made on behalf of Haskins Garden Centres who operate a Centre at Roundstone.

It has been brought to our attention that the Draft CIL Charging Schedule is out on consultation. We were not aware of the previous consultation periods for this, so hence the lateness of our comments below.

It is noted at para 6.9 that in respect of commercial development the evidence resulting from the viability study recommends that the majority of such uses are unable to pay CIL, with the exception of supermarkets and “the retail warehouse format”. These are defined as:

“Retail warehouse should be defined as large stores specialising in the sale of comparison goods (such as carpets, furniture, and electrical goods) DIY items and other ranges of goods catering mainly for car borne customers. (see paragraph 7.11 of CILVU, 2018).”

Garden Centres do fall under the A1 Retail Use Category, but that use is controlled via planning conditions and a legal obligation/covenant. Therefore, we would assume that such uses would not fall under the definition given for a “retail warehouse” and instead would fall under “shops – other” as discussed at para 7.50 (page 80) of the Viability Update 2018.

“These are shops outside central high streets and little such development is anticipated in District, however the notable exception will be the new strategic sites which will incorporate various neighbourhood centres that will include retail development. There is not scope for CIL on this type of development.”

We would be grateful to receive clarification that this is the case and that Garden Centres are exempt from CIL.

Garden Centres have increasingly become a recognised form of development which provides both a retail and leisure function for customers interested in all aspects of gardening. The Centres have come to be seen as attractive leisure destinations in their own right. However, given the site area required (8-10 acres), Garden Centres are likely to be located in out of centre locations but, are able to demonstrate that they comply with the sequential test, as set out in Para 86 of the NPPF (v3). They are therefore not “main town centre uses” which attract higher values and should be exempt from CIL in the event that our assumption above is correct. A rate similar to that for Retail Warehouses could not be justified in respect of Garden Centres.

Please can this be clarified and, in the event, that the retail warehouse rate would apply to Garden Centres then we do object to the draft CIL Charging Schedule.
Comment

Agent: Matthew Spilsbury (1197281)
Email Address: [Redacted]
Address: [Redacted]
Consultee: (863456)
Company / Organisation: Frontier Estates
Address: c/o agent c/o agent c/o agent
Event Name: Arun Draft Charging Schedule 2019
Comment by: Frontier Estates ( - 863456)
Comment ID: DCS 201921
Response Date: 02/05/19 16:31
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Do you wish to be heard by the Examiner? Yes

Do you wish to be informed that the Draft Charging Schedule has been submitted to the Examiner in line with section 212 of the Planning Act 2008? Yes

Do you wish to be informed of the publication of the recommendations of the Examiner following the CIL examination and the reasons for those recommendations? Yes
Yes

Do you wish to be informed of the approval of the charging schedule by the charging authority

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Do you wish to comment on: the Draft Charging Schedule document

a) Draft Charging Schedule

Paragraph no.

2.

Are you? Objecting

3.

Please detail your response in the box below

Frontier Estates Limited submitted a representation (ref: PDCS19) to the Arun CIL PDCS consultation in January 2019. This raised a fundamental concern that the CIL PDCS rate for Extracare housing of £70/m² within 'Zone 2 and 3' would prevent or delay development of sites for this development of type within this part of the district.

Policy H DM2: Independent living and care homes within the Arun Local Plan 2011-2031 (July 2018) ("the Local Plan") supports the provision of continuing care facilities for the elderly across the district. By posing a threat to delivery of this development type, the CIL charging regime will not "strike an appropriate balance" between funding infrastructure and economic viability across the charging area. On this basis the CIL PDCS (and CIL DCS) will fail to demonstrate that it has met the essential requirements of CIL Regulation 14 and, unless modified, should be found unsound at Examination.

Frontier Estates Limited highlighted a number of technical issues in respect of the underpinning viability evidence base for the CIL PDCS; specifically the Arun District Council CIL Viability Update (July 2018) ("CILVU") prepared by HDH Planning & Development Ltd ("HDH").

It is the view of Frontier Estates Limited that the cumulative impact of these technical deficiencies results in the assessment within the CILVU presently vastly over-estimating the propensity for Extracare development schemes to contribute to CIL. As a result, the proposed CIL rate of £70/m² within 'Zone 2 and 3' will render development unviable.

A brief standalone response has been prepared to Frontier Estates Limited submitted a representation (ref: PDCS19) and has been published alongside the CIL DCS consultation. This response titled ‘Background Paper 1a – Arun District Council Response to PDCS19’ appears to have been prepared by Arun District Council, rather than by HDH, but it is not possible to confirm this as the author is not stated.

Ultimately, the document reaches the conclusion not to make any modifications in the CIL DCS, despite the technical issues raised.

Frontier Estates Limited has reviewed Arun District Council's response within ‘Background Paper 1a – Arun District Council Response to PDCS19’, and concludes that it fails to resolve the issues highlighted in the PDCS19 technical representation.

For example, Frontier Estates Limited considers that the viability appraisals for Extracare schemes contain an excessively high density. The implication for the CILVU viability results is that the viability appraisals under-estimate the necessary land-take (site area) required to deliver the notional scheme.

Arun District Council's response suggests that the density tested is appropriate and cites six permitted 'Extracare' schemes as demonstrating this. However, review of the cited schemes confirms that rather than supporting Arun District Council's position, the evidence put forward fundamentally undermines the approach adopted within the CILVU:
- **R/299/07** is an Extracare scheme of 39 apartments. It comprises 76 dwellings per net hectare, which is substantially lower than the 150 dwellings per net hectare tested in the CILVU.

- **LU/173/16/PL** is a sheltered housing scheme of 38 apartments. It is not an Extracare scheme. It comprises 119 dwellings per net hectare, which is substantially lower than the 150 dwellings per net hectare tested in the CILVU. It only has limited communal facilities, and therefore in any case will have a higher net:gross floorspace efficiency than an Extracare scheme with the equivalent number of dwellings.

- **R/296/15/PL**: we could not find reference to this permission within Arun District Council's online planning application search tool.

- **LU/417/06** is a sheltered housing scheme of 42 apartments, and is constructed over 2, 2.5 and 3 storeys (not 3 storeys consistently). It is not an Extracare scheme. It comprises 119 dwellings per net hectare, which is substantially lower than the 150 dwellings per net hectare tested in the CILVU. It only has limited communal facilities, and therefore in any case will have a higher net:gross floorspace efficiency than an Extracare scheme with the equivalent number of dwellings.

- **BR/400/06** is a sheltered housing scheme of 38 apartments, and is constructed over 2, 2.5 and 3 storeys (not 3 storeys consistently). It is not an Extracare scheme. It comprises 98 dwellings per net hectare, which is substantially lower than the 150 dwellings per net hectare tested in the CILVU. It only has limited communal facilities, and therefore in any case will have a higher net:gross floorspace efficiency than an Extracare scheme with the equivalent number of dwellings.

- **EP/111/05** is a sheltered housing scheme of 67 apartments, and is constructed over 2, 2.5 and 3 storeys (not 3 storeys consistently). It is not an Extracare scheme. It comprises 128 dwellings per net hectare, which is lower than the 150 dwellings per net hectare tested in the CILVU. It only has limited communal facilities, and therefore in any case will have a higher net:gross floorspace efficiency than an Extracare scheme with the equivalent number of dwellings.

In respect of CIL zoning and Extracare market housing revenue, Arun District Council's response does not address the specific local market pricing evidence provided by Frontier Estates Limited, despite this following the methodology for setting Extracare pricing cited as being applied within the CILVU itself. Instead, Arun District Council's response seeks to discredit this approach. This is highly irregular, as it undermines the methodology applied, and results of, the Extracare viability testing within the CILVU.

Instead, Arun District Council's response draws on advertised pricing from sheltered/retirement developments (not Extracare schemes), of which the majority are either outside the area of reference to Frontier Estates Limited's representations or are actually located outside the district altogether.

Subsequently, in respect of the inclusion of ground rents within the CILVU appraisals, Arun District Council's response states that it does not consider this to be an uncertain income stream.

Frontier Estates Limited disagrees with this. Even if some form of exemption exists for elderly living developments, it is expected that Government regulation will increase and revenue arising from ground rents will be restricted. Moreover, it is understood that ground rents are now excluded from Red Book Valuations conducted for developments in the sector.

It remains Frontier Estates Limited that to mitigate the risk of emerging legislation, the Extracare appraisals should be re-run to remove ground rent investment income.

Arun District Council's response to issues raised with respect to marketing costs, FF&E, Empty Property Costs and Benchmark Land Value are also deemed inadequate. They fail to robustly evidence and justify the basis adopted for each of these elements within the CILVU.

For example, the Empty Property Costs are acknowledged as being absent from the CILVU appraisals for Extracare development. Yet, Arun District Council’s response suggests that it is reasonable for such costs to be ignored on the basis that, “as evidenced from the market survey many of the units are sold off plan, thus minimising such costs”.

Frontier Estates Limited cannot accept this as a rational and evidenced response. Firstly, there is no published ‘market survey’ of Extracare schemes provided by Arun District Council that provides any information in respect of Extracare pre-sales and sales rates. Secondly, it is widely known in the industry that there are limited off-plan sales within Extracare developments given that the purchaser demographic is frequently older (mid-70's onwards), has a minimum care requirement and is risk
averse. As a result most purchasers wish to visit Extracare developments once the scheme is complete and operational and its facilities and services can be seen.

In summary, Frontier Estates Limited continues to object to the proposed CIL rate of £70/m2 within ‘Zone 2 and 3’ for Extracare development, which it is considered will render development unviable. It is not considered that the boundary or rate has been set on an appropriately evidenced and robust basis.

It remains the professional view of Frontier Estates Limited that the Angmering settlement has been erroneously allocated within ‘Zone 2 / Zone 3’ within the CIL PDCS. This is driven by the flawed approach within the CILVU that vastly overstating the viability of Extracare development in Angmering, where market values bear far closer resemblance to those applied in Littlehampton and Bognor Regis.

If the flaws identified by Frontier Estates Limited were rectified within the CILVU Extracare appraisals, this would result in the ‘additional profit’ available for CIL charging being reduced to £0/m2 (i.e. NIL) in Angmering.

It is therefore requested that Angmering is reallocated out of Zone 2 / 3 and the CIL rate proposed for Extracare development reduced from £70/m2 to £0/m2.

Unless modifications are made to the CIL DCS to reflect the above recommendations, the CIL DCS will fail to demonstrate that it has met the essential requirements of CIL Regulation 14 and, unless modified, should be found unsound at Examination.
### Comment

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Please see attached letter - please note the representations are part in support, part objection and part comment.
1 May 2019

Planning Policy and Conservation,
Arun District Council,
Arun Civic Centre,
Maltravers Road,
Littlehampton,
BN17 5LF

Dear Sir or Madam:

Representations by Landlink Estates Ltd in response to proposed Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS)

Introduction

This response is made on behalf of Landlink Estates Ltd, who control large areas of land within the District and have a number of live major planning applications for both residential and commercial development within the District.

Landlink Estates support the funding of infrastructure through both section 106 and the Community Infrastructure Levy as long as it meets the requirements of the CIL Regulations. These representations follow earlier representations made to the Preliminary Draft Charging Schedule.

Landlink Estates agree that there is an infrastructure funding gap and that a funding shortfall has been demonstrated that must be filled in order to deliver the infrastructure to support growth in the district (based on the Infrastructure Delivery Plan, 2017). This justifies the preparation of a CIL charging schedule.

Landlink Estates support the principle of the strategic sites being nil rated for CIL. However, this approach needs to be balanced with the development of non-strategic sites. Whilst it is acknowledged that there are differences in the viability of small sites against strategic sites, which are accounted for in the viability assessment, the approach must be fair. The overall package of section 106 contributions and CIL contributions needs to be consistent across both strategic and non-strategic sites so as to avoid either development type bearing disproportionate cost burdens. In addition, there needs to be certainty regarding delivery of appropriate mitigation to support the strategy of the Adopted Local Plan.

Landlink Estates support the publication of the Regulation 123 list. However, comments on problems with the approach set out in this list are made below.
Fairness and Consistency

Concerns raised in regard to the preliminary draft-charging schedule (PDCS) have not been fully addressed in the revisions to the draft-charging schedule.

There remain major concerns regarding evidence provided on viability which have not considered the issue of fairness and consistency with the adopted Local Plan and IDP. At the PDCS Landlink noted that the large ticket infrastructure items within the District namely Education, Transport and Healthcare were all items that were anticipated to be paid for solely through s106. This position has now changed, and the Regulation 123 list now includes some education provision for non-strategic sites. However, this is not the case with transport and highway improvements; the DCS and Regulation 123 list indicate that these are entirely funded by strategic sites. The Local Plan made it quite clear that District wide infrastructure should be provided by CIL. The draft CIL charging schedule cannot change adopted local plan policy.

The NPPG (ID: 25-009-20140612) requires that charging authorities should be able to show and explain how their proposed levy rate (or rates) will contribute towards the implementation of their relevant plan and support development across their area.

The only substantive new ‘evidence’ provided in support of changes made since the PCDS is the Infrastructure Funding Gap Update Report (March 2019) (IFGU). The Regulation 123 list also lists some of the priorities in relation to how infrastructure will be funded. However, no additional evidence is provided to justify the Regulation 123 list.

The Council continues to rely upon the Infrastructure Delivery Plan (ICSDP) - which they note is a ‘living document’. However, this document does not give a complete picture of how the blend of funding will work as it does not fully consider the infrastructure needs and the ICSDP states clearly at paragraph 2.6 “This IDP does not set out the District Council’s aims and priorities regarding CIL”.

In this respect the Local Plan Inspector accepted that districtwide infrastructure would be funded through CIL. At paragraph 33 of the Interim Inspector’s Report he recommended the following:

“Where a contribution towards other district wide infrastructure improvements or provision is needed and viable this will be achieved through the Community Infrastructure Levy Charging Schedule and Regulation 123 Infrastructure List which will be introduced as soon as possible after the adoption of this Local Plan. Until such time as a Charging Schedule is adopted contributions will be achieved through planning obligations (where they meet the statutory tests).”

In the final Local Plan report (July 2018) the Inspector, when considering pooling restrictions in relation to district wide infrastructure, confirmed: “In recognition of these issues Policy INF SP1 should make it clear that a CIL Charging Schedule will be introduced as soon as possible after the adoption of the LP. This change to ensure that the Plan is positively prepared and effective would be achieved by MM64.”

It is therefore not clear why Districtwide infrastructure projects for example transport schemes are proposed to be funded through s106 from strategic sites only, against the advice of the Local plan Inspector and as set out in the now adopted policy INF SPI.

It is now very clear that the Council do not intend to scale back s106 and they continue to rely on s106 as the main source of infrastructure funding. This is problematic as it does not fairly share the costs of infrastructure across the District. This is also inconsistent with advice in the NPPG:

“When a charging authority introduces the levy, section 106 requirements should be scaled back to those matters that are
directly related to a specific site, and are not set out in a regulation 123 list.”

Paragraph: 097 Reference ID: 25-097-20190315

It is also not clear from the evidence in the consultation papers about the extent of additional financial burdens on the strategic development sites given the limited extent to which CIL will fund infrastructure, which was not anticipated in the Local Plan. This is not demonstrated in viability evidence.

**Pooling Restrictions**

The Council identify the problem with relying largely on s106 to secure development in the District. In the IFGU the following is acknowledged: “This is due to the fact that the infrastructure required for each strategic allocation will largely be delivered by means of S106 agreements. Although, there may be challenges involved in delivering strategic infrastructure for the larger strategic sites in light of the pooling restrictions set out by Regulation 123 of the CIL Regulations, it is anticipated that changes to the pooling restrictions in the future (as proposed in the Supporting housing delivery through developer contributions consultation) will assist with the council's approach.”

However, this national consultation has not been enacted and it is clear that pooling restrictions remain and are already constraining s106 payments in the District. The pooling of Tier 7 Library contributions being a live, current, example.

**Additional Secondary Education Provision**

The CIL draft charging schedule has for the first time introduced in an emerging policy document the need for additional secondary school provision which was not previously identified in the Local Plan. This new infrastructure requirement is not based on any formal evidence that has been properly examined as part of the development plan process. This is identified at paragraph 2.2 third bullet of the IFGU 2019. This is not robust evidence required by the NPPG in relation to CIL rate setting. In addition, it re-opens the infrastructure planning issue that has already been adopted by the Council as recently as July 2018. The NPPG on CIL rate setting firmly states:

“Information on the charging authority area’s infrastructure needs should be drawn from the infrastructure assessment that was undertaken as part of preparing the relevant Plan (the Local Plan in England, Local Development Plan in Wales, and the London Plan in London). This is because the plan identifies the scale and type of infrastructure needed to deliver the area’s local development and growth needs (see paragraph 34 of the National Planning Policy Framework in England).

And

*The Community Infrastructure Levy examination should not re-open infrastructure planning issues that have already been considered in putting in place a sound relevant Plan.* (my emphasis)”

Paragraph: 016 Reference ID: 25-016-20190315

The case for additional secondary education provision is not robust, and therefore this raises issues of fairness. If the need is not proven, this new item in the CIL charging schedule in the Regulation 123 list places an unfair burden on strategic sites who are required to support districtwide secondary school infrastructure. This was ruled out by the Inspector who considered the Local Plan (referenced above).
Viability

As set out in representations on the Preliminary Draft Charging Schedule the viability assessment is problematic as the assumption regarding the retained S106 costs for those dwellings charged with the CIL is not based on evidence. Despite this objection no new evidence has been provided to justify the assumed S106 rate for dwellings liable for CIL.

CIL will not fully fund highway improvements, site-specific flood mitigation, and other infrastructure such as policing and utilities with a S106 charge assumed at around £2000. This S106 figure assumed in the CIL viability work for non-strategic sites is too low and does not reflect the costs of these items.

This is evidenced as follows:

1. Table 4.13 of the March 2019 viability report shows recent sales of development land. This table usefully shows that where Section 106 payments were made they ranged from £1940 - £19,723 per dwelling. The average was £6036 per dwelling taken from that table.

2. The gap in funding is shown in Table 1 as £88.1 million; whilst it is accepted that other funding sources may be available (although not identified) this cannot be made up from S106 receipts from non-strategic sites alone as this would equate to a theoretical S106 cost per unit from non-strategic sites of £28,904.

The income from CIL is estimated at £30 million in paragraph 3.1 of the IFGU 2019. This leaves £58.1 million funding not covered by either CIL or S106 as shown above. This issue, highlighted at PCDS stage of this process, raises the potential failure to mitigate. This means that non-strategic sites will not fully mitigate their transport, education highways and flood mitigation and other issues as they cannot support the necessary S106 payments to do so. Alternatively, the strategic sites will be burdened with these entire costs as it has not been identified in the evidence that the gap is made up by other funding. This is contrary to the CIL regulations and is contrary to policy INF SP1 of the adopted Local Plan.

Regulation 123 List

Table 1 of the IFGU 2019 and the Regulation 123 list are inconsistent. There is no funding gap identified under the specific items Primary Education, Early Years Education, Healthcare, Flood Risk Mitigation and Transport in Table 1 of the IFGU however all these items specifically listed in the CIL and part-CIL funded projects in the Regulation 123 list. There would be appear to be an element of ‘double dipping’ as there is no evidence in the IFGU that these items need funding by CIL.

This fundamental problem underpins the whole approach to CIL in Arun, there are inconsistencies with the approach, the Adopted Local Plan and critically it is not consistent with national guidance and the CIL regulations.

Conclusion

Landlink Ltd remains concerned that issues of fairness and the incorrect assumed level for S106 payments, based on available evidence, for CIL liable dwellings. Flaws on assumptions of S106 payments have implications for viability and need to reflect the real costs of S106 rather than the rate assumed. In addition, the draft CIL charging schedule and Regulation 123 list are inconsistent with the adopted Local Plan. This is particularly so with regard to secondary education provision which has no robust evidence base and is not part of the adopted Local Plan.
Landlink Estates are of the opinion that significant modifications are required to make the Draft CIL Charging Schedule consistent with the CIL Regulations in particular regulation 122(2) of the Community Infrastructure Levy Regulations 2010. This is because the balance between CIL and s106 has not been met and would make compliance with regulation 122 (2) impossible and with guidance in the recently revised NPPG on this matter.

Yours sincerely

Lisa Jackson MA BSc MRTPI