

Community Infrastructure Levy-Preliminary Draft Charging Schedule Responses to Consultation

Q01 Do you agree that North Somerset Council should introduce a CIL?

Respondent	Comment	Councils Response	Proposed Changes
Backwell Parish Council Backwell Parish Council 1013153/cil/1	Yes.	Support noted.	No change.
Blagdon Parish Clerk 7778337/cil/1	Yes.	Support noted.	No change.
Congresbury Parish Council Congresbury Parish Council 1078849/cil/1	Yes.	Support noted.	No change.

<p>Flax Bourton Parish Council (M Windo) Flax Bourton Parish Council 7785537/cil/1</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>
<p>House Builder Consortium Group (Savills) Savills 7800289/cil/1</p>	<p>See attached.</p> <p> House Builder Consortium Group (186 KB)</p>	<p>Respondent notes that "the group's objective ... is not to dismiss CIL but to ensure that the level set in the Charging Schedule is fair and equitable".</p> <p>Comments noted.</p>	<p>No change.</p>
<p>Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/1</p>	<p>Yes, we would support the introduction of CIL provided it is properly administered.</p>	<p>Support noted.</p>	<p>No change.</p>
<p>LLM 6013569/cil/1</p>	<p>This seems a sensible and viable solution to the lack of funding on basic infrastructure that is required following new developments.</p>	<p>Support noted.</p>	<p>No change.</p>

<p>Long Ashton Parish Council Long Ashton Parish Council 1014881/cil/1</p>	<p>Yes</p>	<p>Support noted.</p>	<p>No change.</p>
<p>Mead Realisations Ltd Mead Realisations Ltd 1074881/cil/1</p>	<p>I am pleased to provide you with comments on behalf of Mead Realisations Ltd in connection with the Community Infrastructure Levy (CIL) - preliminary draft charging schedule (November 2012). The introduction of a CIL is generally supported in terms of bringing certainty to the development process and as a means of pooling contributions towards some of the larger infrastructure projects whose burden should be shared by those seeking to develop in North Somerset over the coming years. The detail of the preliminary charging schedule is however a different matter and there are some basic principles that should be re-examined and amended as part of the next stage of production of the CIL. The CIL should encourage development and infrastructure delivery in a viable and equitable manner especially given that NSDC intends to continue to operate a Section 106 system alongside it; presently there are some aspects that do not achieve this.</p> <p>This letter therefore sets out Mead Realisations Ltd comments under headings below for ease of reference:</p> <p>Amended CIL Regulations 2012</p> <p>Since the production of the Preliminary draft charging schedule, the CIL Regulations have been amended (December 2012).</p>	<p>Comments noted.</p>	<p>No change.</p>

	<p>Comments in respect of the amendments have not been made as it is expected they will be addressed in the next round of changes.</p>		
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<p>Natural England (J Melvin) Natural England 7795169/cil/1</p>	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England is not a service provider, nor do we have detailed knowledge of infrastructure requirements of the area concerned. However, we note that the National Planning Policy Framework Para 114 states "Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure." We view CIL as playing an important role in delivering such a strategic approach.</p> <p>As such we advise that the council gives careful consideration to how it intends to meet this aspect of the NPPF, and the role of the CIL in this. In the absence of a CIL approach to enhancing the natural environment, we would be concerned that the only enhancements to the natural environment would be ad hoc, and not deliver a strategic approach, and that as such the local plan may not be consistent with the NPPF.</p>	<p>Comments noted.</p>	<p>No change.</p>
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Potential infrastructure requirements may include:

Access to natural greenspace.

Allotment provision.

Infrastructure identified in the local Rights of Way Improvement Plan.

Infrastructure identified by any Local Nature Partnerships and or BAP projects.

Infrastructure identified by any AONB management plans.

Infrastructure identified by any Green infrastructure strategies.

Other community aspirations or other green infrastructure projects (e.g. street tree planting).

Infrastructure identified to deliver climate change mitigation and adaptation.

Any infrastructure requirements needed to ensure that the Local Plan is Habitats Regulation Assessment compliant

We hope that you find this information useful. For any correspondence or queries relating to this consultation only, please contact Jamie Melvin using the details given below. For all other correspondence, including in relation to forward planning consultations, please contact the address above or email consultations@naturalengland.org.uk.

Portishead Town Council Portishead Town Council 4193569/cil/1	Yes.	Support noted.	No change.
ranger 7756257/cil/1	I agree with the introduction of a CIL. The levy should be used for its prime purpose ie to ensure that infrastructure required is in place before the development takes place.	Comment noted.	No change.
Somerset County Council (S Winfield) Somerset County Council 7788801/cil/1	We do not have any further comments to make.	Noted.	No change.
St Modwen Properties PLC - 3568545/cil/1	We support the principle of the CIL in North Somerset in light of the national requirement, and the certainty to be provided to developers.	Support noted.	No change.

<p>Tom Leimdorfer 936033/cil/1</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>
<p>Weston Town Council Weston-super-Mare Town Council 7777185/cil/2</p>	<p>Yes, the Town Council supports the proposals to introduce a CIL in principle as this will benefit the community and developers by introducing a clear and fair standard fixed charge which reduces the need and legal costs for both parties of negotiation of section 106 agreements.</p>	<p>Support noted.</p>	<p>No change.</p>
<p>Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/1</p>	<p>Yes. Little choice - the intention of CIL appears to be to achieve a reduction in charges applicable under S106 to the benefit of the developers not the Community. CIL does however see finance for developments previously outside S106.</p>	<p>Comments noted.</p>	<p>No change.</p>
<p>Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/1</p>	<p>The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.</p>	<p>Comments noted.</p>	<p>No change.</p>

Yatton Parish Council Yatton Parish Council 3322113/cil/1	No.	Objection noted.	No change - the majority of respondents support the introduction of a CIL.

Q02 Are there any alternative mechanisms that should be considered to ensure that developers contribute appropriately towards infrastructure to support development, in particular the cumulative effects of development?

Respondent	Comment	Councils Response	Proposed Changes
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Backwell Parish Council Backwell Parish Council 1013153/cil/2	No.	Noted.	No change.
Blagdon Parish Clerk 7778337/cil/2	Continued use of Section 106 agreements.	S106 agreements will continued to be used alongside the CIL, but legal restrictions will reduce their usefulness	NSC to provide further clarification on

	Contributions towards communal solar and geo-thermal heat source provision for developments of 10 or more houses.	for infrastructure required as a result of multiple developments.	relationship between CIL and S106.
Congresbury Parish Council Congresbury Parish Council 1078849/cil/2	No.	Noted.	No change.
Flax Bourton Parish Council (M Windo) Flax Bourton Parish Council 7785537/cil/2	No comment, at this time.	Noted.	No change.
Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/2	Pooling of CIL from a maximum of 5 planning applications seems to be restrictive and may have a negative effect on surrounding infrastructure, that is unless other mechanisms are put in place to counter this effect. If this is the case and CIL is restricted in this way what other safe guards does the Authority have in place to ensure there are not knock on effects elsewhere in the district?	Pooling restrictions apply to S106 agreements and not the CIL.	No changes.

<p>Long Ashton Parish Council Long Ashton Parish Council 1014881/cil/2</p>	<p>CIL should always be applied in tandem with well negotiated s106 agreements to protect the communities where the development is occurring.</p>	<p>CIL is about funding infrastructure to support development in an area while S106 agreements relate to site-specific mitigation. It is not the case that all development will always require both.</p>	<p>No change.</p>
<p>Portishead Town Council Portishead Town Council 4193569/cil/2</p>	<p>We are not aware of any alternative mechanisms that should be considered when ensuring that developers contribute appropriately towards infrastructure.</p>	<p>Noted.</p>	<p>No change.</p>
<p>Somerset County Council (S Winfield) Somerset County Council 7788801/cil/2</p>	<p>We do not have any further comments to make.</p>	<p>Noted.</p>	<p>No change.</p>
<p>St Modwen Properties PLC - 3568545/cil/2</p>	<p>The existing Section 106 process can work in isolation (i.e. not in addition to CIL) by allowing site specific on and off site infrastructure contributions to be made. The process also allows for site specific viability to be taken into consideration.</p>	<p>Restrictions on S106 agreements will reduce their usefulness for infrastructure required as a result of multiple developments. The majority of respondents support the introduction of CIL.</p>	<p>No change.</p>

Tom Leimdorfer 936033/cil/2	CIL and remaining S106 agreements should give enough flexibility.	Noted.	No change.
Weston Town Council Weston-super-Mare Town Council 7777185/cil/3	No, other than section 106 agreements where appropriate.	Comment noted.	No change.
Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/2	Yes but additional rather than alternative. Cil is capped and thus would not allow for developments posing a particular and perhaps costly impact on a community.	CIL and S106 will be used in conjunction with each other where appropriate but cannot be used to fund the same infrastructure.	No change.
Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/2	The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.	Noted.	No change.

Yatton Parish Council Yatton Parish Council 3322113/cil/3	It was considered better to improve the 106 system with greater transparency and to only be on larger developments not individual properties.	Restrictions on S106 agreements will reduce their usefulness for infrastructure required as a result of multiple developments. The majority of respondents support the introduction of CIL.	No change.

Q03 Do you agree with the methodology and key assumptions used in the viability assessment? If not, what alternative methods / assumptions would you suggest, and why?

Respondent	Comment	Councils Response	Proposed Changes
Backwell Parish Council Backwell Parish Council 1013153/cil/3	Yes - as you have the evidence to support these assumptions.	Support noted.	No change.
Blagdon Parish Clerk 7778337/cil/3	Yes.	Support noted.	No change.

CLA (Country Land & Business Association)
CLA (Country Land & Business Association)
7442625/cil/4

Viability Assessments for CIL Charging Schedules

The Government's policy guidance on CIL makes it very clear that charging authorities wishing to introduce a CIL charging schedule must ensure that they propose a rate(s) that does not put at serious risk the overall development of their area and they must provide evidence on economic viability and infrastructure planning. CIL is expected to have a positive economic effect on development across an area.

A key consideration for charging authorities is the balance between securing additional investment for infrastructure to support development and the potential negative economic effect of imposing CIL upon development in their area. In their background evidence on economic viability to the CIL examination, charging authorities are required to explain why they consider that their proposed CIL rate(s) will not put the overall development across their area at serious risk. The CLA is picking up a number of concerns that the particular circumstances of a site may mean the CIL charge renders development unviable even though the planning authority's viability evidence may suggest otherwise.

The viability of a development is crucial to the delivery of economic growth and jobs whether in rural or urban areas. CIL is intended to be a pro-growth tool. But we are seeing charging schedules that are imposing urban-focussed CIL charges on new

NSC recognises the importance of the rural economy. CIL viability testing relates to development viability, not the viability of the economy as a whole.

Rural areas of North Somerset have been found to have a relatively good level of development viability, due to the higher sales values in these areas. The rates for the other agricultural uses referred to in the submission are generally proposed to be set at zero or would be likely to fall into one of the uses that are exempt from CIL (these include developments smaller than 100sqm that do not form a new house; buildings into which people do not normally go; and structures that are not buildings, such as pylons and wind turbines).

In setting the CIL, NSC has to strike a balance between infrastructure need and ensuring that rates are affordable for the majority of development and does not compromise Core Strategy delivery.

No change.

development in rural areas. It would be ironic if CIL charges had the effect of making the already dire development climate even more difficult with the obvious knock-on effects for the Government's growth and housing agendas.

The CLA has analysed a number of CIL front-runners' viability assessments and preliminary charging schedules and we are very concerned that agricultural, horticultural and forestry developments, and small scale rural developments, are being swept up with urban-focussed development charges. Clearly this would be to the detriment of the rural economy as a whole as urban-focussed charges would stop critically needed development in the countryside. The CIL regulations do allow for differential rates subject to being underpinned by clear evidence.

It is hard to square the Government's calls for local authorities to moderate their s106 demands to get development going, with the emergence of CIL charging schedules that appear to be going in a totally different direction. If the viability assessment for a proposed CIL is not robust then a flawed CIL regime will be put in place which could hold back development within an authority for years.

The setting of inappropriate rates for rural economic development, and some forms of rural housing, will have the long-term effect of constraining all forms of land-based development and farm-based diversification development opportunities with consequential impacts on the long term sustainability of the rural economy and jobs, rural communities and ultimately on the goods and services, both environmental and food-related, that are delivered by CLA members.

Rates do not have to be affordable for every individual site.

The 'meaningful proportion' of CIL to be passed to Town & Parish Councils is set nationally and its use is subject to national legislation and guidance.

Viability assessments must be underpinned by robust evidence that takes account of the differences in economic viability between urban and rural developments.



Clearly for those charging authorities, who have urban areas and rural hinterlands, they can take advantage of setting differential rates and we strongly urge the authority to consider the use of different rates for rural areas if the charging schedule is not to prevent critically needed rural development from coming forward.

A local planning authority must have regard to development viability when setting their CIL charges. Any charging authority wanting to charge a levy for agricultural, forestry or other rural economic development proposals will need to justify this in their consultation(s) and at the public examination. The CLA will be looking for up-to-date evidence that relevant viability assessments have been undertaken and we will be testing these assessments for their viability. If charges are proposed that are not underpinned by up-to-date evidence the CLA will lodge strong objections and take the matter to the public examination.

Neighbourhood Funds

The recent government consultation on further changes to the CIL regulations will allow a “meaningful proportion” of the CIL funds raised in a parished area to be returned to that area for the parish council to spend on existing or new infrastructure on which new development may impact. The CLA would object to any aspirational or generic implementation plans prepared by the

	<p>charging authorities which are not underpinned by robust evidence and associated viability assessments. We strongly urge the charging authority to put in place implementation plans that provide a very clear list of infrastructure needs, by parish or neighbourhood forum, that will be delivered during the period of the CIL implementation plan.</p>		
<p>Congresbury Parish Council Congresbury Parish Council 1078849/cil/3</p>	<p>No comment.</p>	<p>Noted.</p>	<p>No change.</p>
<p>Flax Bourton Parish Council (M Windo) Flax Bourton Parish Council 7785537/cil/7</p>	<p>No comment at this time.</p>	<p>Noted.</p>	<p>No change.</p>
<p>House Builder Consortium Group (Savills) Savills 7800289/cil/2</p>	<p>See attached</p>	<p>Please see consideration of response from Savills available in Appendix E to</p>	<p>Please see consideration of</p>

	 House Builder Consortium Group (186 KB)  16.08.17 Response to Savills.docx (17 KB)	the Executive report from 21st June 2016 .	response from Savills available from Savills available in Appendix to the Executive report from 21st June 2016.
Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/3	No. Assessment for CIL should include social and environmental impacts, not just commercial/economic effects. No development should be permitted which has a detrimental effect on its surrounding neighbourhood or neighbours and any CIL contribution should be calculated to produce a neutral/positive effect.	The Council is required to aim to strike an appropriate balance between infrastructure need and development viability. CIL will operate alongside S106 planning obligations to ensure that development does not have a detrimental effect.	No change.
LLM 6013569/cil/2	Seems sensible.	Support noted.	No change.
Long Ashton Parish Council Long Ashton Parish Council 1014881/cil/3	There should an escalator introduced to take account of the particular difficulties very large developments cause.	Differences in rates need to be justified by reference to the economic viability of	No change.

development. Large sites will pay more due to the greater scale of development.

Mead Realisations Ltd
Mead Realisations Ltd
1074881/cil/3

Mead Realisations Ltd has not carried out a technical examination of either document in terms of the values attributed to each item or the residual calculation. However, it is noted that the models used are based on small to medium size development proposals (up to 500 dwellings) and the scale of development at Weston Villages is substantially larger. The assumptions about build periods in the viability assessment and what happens at Weston Villages are going to be significantly different.

It is not clear from the information published to support the CIL how the list of infrastructure requirements or their costs have been derived. There appears to be little or no published financial testing or critical examination of the identified infrastructure projects (only the viability test of CIL). There seems to be a lack of clarity and published evidence base for the infrastructure requirements and their costs. The IDP is simply a list of options which is given a priority ranking.

Mead Realisations Ltd therefore requests a more detailed breakdown of the financial assumptions sat behind the IDP.

It is noted that CIL charging is broken down into three zones (a, b and c). It is recognised that there is likely to be a difference in funding requirements at Weston-super-Mare (where the majority

1) Additional testing of sites of more than 500 units:

Please see paragraphs 3.3.15 - 3.3.18 of the DSP Viability Review Update 2016 which discuss the issue of differential rates for large sites.

North Somerset's Site Allocations Plan Consultation Draft published in March 2016 sets out the expected sites that will deliver housing across North Somerset to 2026. As of March 2015, only two of the site allocations in this document exceed 500 in number: these are:

- South of Herluin Way Avoncrest site: 750 units: this falls within the Weston Town Centre zone proposed for a £0 CIL rate.

- Land owned by North Somerset Council at Parklands Village: 700 - 750 dwellings: this falls within the outer

Further clarification to be provided on the relationship between CIL and S106.

of new development is proposed and the challenges of delivering this) and the rest of the District. A distinction for zone c is supported. However, it is difficult to understand how there is a material difference between Zone a (Weston Town Centre and Gateway) and Zone b (Outer Weston), which includes Parklands? There is no evidence to support a zero CIL payment for Zone a when it relies on some of the infrastructure listed in the CIL. Scheme viability has already been raised by St Modwen and Persimmon Homes through Section 106 agreements for their respective Zone b schemes therefore, a more equitable split across Zone a and b would better assist delivery.

Demonstrating the Funding Gap

It is not clear from the table setting out the CIL schemes, whether recently granted planning permissions with S106 agreements will impact upon the residual funding gap as set out? Reference is also made to New Homes Bonus being used to fund two pieces of infrastructure, but it is not clear if there is any residual funding from New Homes Bonus to help support some of the other measures? A greater degree of clarity on the anticipated level of funding from New Homes Bonus and the proportion being spent on Infrastructure listed in the CIL would be helpful?

It is not clear what the other highway and public transport measures listed in the table and set out in the IDP include? It is questioned to what extent these are strategic measures which require inclusion within CIL? Greater clarification of this would be helpful.

Weston zone proposed to have a £40/sqm rate.

As such, any further testing and/or differential rates would in practice apply only to a single site and is felt to be inappropriate in the context of overall delivery. Should spatial plans in the future identify additional strategic sites this issue may be re-visited and rates reviewed.

2) Infrastructure requirements and funding:

The sample of infrastructure requirements in the PDCS was sourced from the North Somerset Core Strategy Infrastructure Delivery Plan. It is not the role of the CIL process to re-open discussion on evidence that has already been submitted in support of a sound relevant Development Plan. However it is acknowledged that further clarification should be provided on the relationship between CIL, S106, other funding sources and the infrastructure funding gap.

3) Justification of difference between zones A and B:

It is understood from recent meetings with NSDC that the requirement for education provision is in a state of flux, particularly with regard to how school places are to be delivered. At Weston-super-Mare there is significant uncertainty about the delivery of secondary school places and this will have a cost implication for those paying CIL. It is unreasonable to expect a CIL payment to be based upon an as yet unquantifiable or unjustified amount. There also appears to be no assessment of cost saving by co-location of schools and community facilities?

A concern is raised by the general statement that:

"However, the purpose of this [CIL infrastructure tables] evidence is not to provide absolute assurances as to how North Somerset intends to spend the CIL, but to illustrate that the intended CIL target is justifiable given local infrastructure need and is based on appropriate evidence" (Page 9, NSDC CIL)

The purpose of CIL is to identify specific infrastructure projects that are required to serve new development and need to be funded across a range of building projects. To say that the CIL is only there to justify the collection of a roof tax is entirely at odds with the Regulations. If NSDC collects CIL payments then it should be spent in accordance with the listed items in the CIL and not generally. It is therefore important for a clear and justifiable evidence base to be presented which supports the costs of each project. As stated above, there are instances where this has yet to be achieved.

It is requested NSDC reconsider the above statement and its intention for operating CIL.

The respondent comments that development in Zone A should be subject to higher rates to help to fund the wider infrastructure from which it benefits; this is not justified through the viability evidence.

	<p>Mead Realisations Ltd supports the inclusion of flood defences within the CIL. From the evidence produced by Royal Haskoning, it is clear that all of the Weston Villages partners will in some way rely on either the super-pond or the widening of the River Banwell. However, from the evidence produced in respect of the cost of the Banwell project, there is some concern that it is not a true reflection and should be re-examined. In particular, assumptions have been made about land acquisition costs which are not robust.</p>		
<p>Portishead Town Council Portishead Town Council 4193569/cil/3</p>	<p>No comment.</p>	<p>Noted.</p>	<p>No change.</p>
<p>Somerset County Council (S Winfield) Somerset County Council 7788801/cil/3</p>	<p>We do not have any further comments to make.</p>	<p>Noted.</p>	<p>No change.</p>
<p>South West HARP Planning Consortium South West HARP Planning Consortium 6235201/cil/1</p>	<p>We were pleased to note that the report lists the sale values of new build properties. Whilst we are encouraged that the Council has used the 30% affordable housing benchmark to calculate the</p>	<p>The basis of the CIL viability test is the Council's policy position of a target 30%</p>	<p>No change.</p>

viability of CIL and that the levels of charges suggested are viable with 30% affordable housing, we are concerned that different levels of affordable housing have not been tested. The adopted Core Strategy states that there is no upper limit for the provision of affordable housing and therefore we think it is necessary for the Council to test the viability of CIL with higher levels of affordable housing in order to ascertain whether the CIL charging schedule will threaten the delivery of the Council's development plan.

One of the main weaknesses in the Council's viability study is that it has not developed Care Homes to a full appraisal set. We consider that this seriously undermines the Council's decision to charge a levy on C2 development and expand on this point in our response to question 8.

In addition to the lack of assessment of C2 uses, we note that the Council has not considered the viability of older people's housing in the C3 Use Class. Alternative forms of older people's housing share some characteristics with general market housing in that each unit will have its' own front door and residents of such development will live independently, however, extra-care and other similar schemes demonstrate significant differences to general market housing in terms of their structure and funding. Many extra care schemes provide a very significant degree of care; indeed frequently to a level that is comparable with that offered in a traditional care home. Unlike general market housing which benefits from being sold 'off plan', all of these forms of care and accommodation are funded entirely upfront and at risk by the provider, with sales only able to occur after completion. In addition, a significant proportion of the total development floor

affordable housing. Additional testing of higher levels is not felt to be of benefit.

Please see paragraphs 3.2.10 - 3.3.14 of the DSP Viability Review Update 2016 which address the issue of housing for the elderly/specialist accommodation involving care provision.

space is set aside for care and communal facilities. We would like to draw the Council's attention to the findings of the Corby CIL viability study, conducted by BNP Paribas:

“In our experience, Extra Care Housing Schemes have gross to net floor space ratios between 55% and 60% due to the additional communal areas.

6.37 It is therefore considered that the viability of Extra Care Housing is very different from standard C3 housing care homes, and our calculations show that they would be unable to absorb a CIL tariff.

6.38 Our appraisals of retirement housing (i.e. McCarthy and Stone type development, where residents have their own flat or house and buy in additional services and support as required) indicate that such developments are unlikely to generate positive residual land values. Our appraisals assume a 70% gross to net ratio, accounting for additional common areas required in such developments. This factor, along with a slower sales rate, combines to adversely affect viability”

These differences in the constituent parts of the development require a full viability appraisal before CIL

charges can be applied. We consider that the Council's residential CIL charge does not comply with guidance issued by DCLG:

“resulting charging schedules should not impact disproportionately on particular sectors or specialist forms of development”

	<p>Para 37 DCLG Community Infrastructure Levy Guidance 2012</p> <p>It is essential that the Council takes full consideration of viability across the Use Classes to provide a viable charge for all forms of older peoples' housing. When revisiting the evidence base for viability, we seek that the Council tests to ensure that a CIL charge does not have detrimental impact upon the delivery of this type of development.</p>		
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<p>St Modwen Properties PLC - 3568545/cil/3</p>	<p>We have not undertaken a detailed audit of the viability evidence which supports the draft charging schedule. We would note initially however that the 6 tested residential scheme types (figure 3) do not include a site of the scale akin to the proposed developments within the Weston Villages i.e. the largest scenario is 500 units.</p> <p>With regards to the assumptions within the viability assessment work we seek clarification that the current market conditions have been reflected. We would note for example that the early phases of development at Locking Parklands have only been possible with significant HCA subsidy. In addition the early phases have</p>	<p>1) Additional testing of sites of more than 500 units:</p> <p>Please see paragraphs 3.3.15 - 3.3.18 of the DSP Viability Review Update 2016 which discuss the issue of differential rates for large sites.</p> <p>North Somerset's Site Allocations Plan Consultation Draft published in March 2016 sets out the expected sites that will deliver housing across North Somerset</p>	<p>No change.</p>
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also been based on a nil land value assumption given the HCA's involvement as landowner.

to 2026. As of March 2015, only two of the site allocations in this document exceed 500 in number: these are:

- South of Herluin Way Avoncrest site: 750 units: this falls within the Weston Town Centre zone proposed for a £0 CIL rate.

- Land owned by North Somerset Council at Parklands Village: 700 - 750 dwellings: this falls within the outer Weston zone proposed to have a £40/sqm rate.

As such, any further testing and/or differential rates would in practice apply only to a single site and is felt to be inappropriate in the context of overall delivery. Should spatial plans in the future identify additional strategic sites this issue may be re-visited and rates reviewed.

2) Current market conditions: the DSP testing carried out in 2012 and 2016 are both based on current market conditions.

<p>Tom Leimdorfer 936033/cil/3</p>	<p>Yes, in general. However, apart from the Portishead Rail-link (which is of primary importance), the transport need assumptions are heavily weighted towards road schemes, some of which are controversial. There is very little there for public transport such as subsidies required to keep villages connected to bus services. The figures for cycle routes and improvements for pedestrians are also inadequate.</p>	<p>The infrastructure set out in the PDCS is a sample from the adopted North Somerset Infrastructure Delivery Plan (IDP) and is intended to provide a high-level analysis of the infrastructure funding gap. A full list of requirements can be found in the IDP delivery schedules. The overall balance of road and other schemes reflects the balance approved through the Core Strategy process.</p>	<p>No change.</p>
<p>Weston Town Council Weston-super-Mare Town Council 7777185/cil/4</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>
<p>Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/3</p>	<p>No. Although the projects outlined by NSC are clearly appropriate for funding, there remains a real concern that with Cil capped smaller developments will lose out on Cil because fiscal limits would be breached. In addition the regulations (reg 14(1) speak only of the "desirability" of funding of Cil. This does not appear sufficient to ensure payment of Cil. Reg 14(1) also states that the charging authority must look at "the potential effects (taken as a whole) of the imposition of the Cil on the economic viability of development across its area".</p>	<p>A range of funding sources will be required to secure the infrastructure needed to support development, including the CIL and S106. Further clarification of the relationship between CIL and S106 to be provided.</p>	<p>Further clarification of the relationship between CIL and S106 to be provided.</p>


	This could clearly impact on a smaller development in a rural area and more should be done to correct this.		
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Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/3	The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.	Noted.	No change.
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Q04 Are there other reasons for which you believe that the conclusions of the viability assessment are incorrect? If so, please give details and explain what you believe the conclusions should be.

Respondent	Comment	Councils Response	Proposed Changes
[Deleted] Sainsbury's Supermarkets Ltd White Young Green 7801441/cil/2	State Aid Neither the charging schedule nor the evidence base underpinning it address the question of whether the proposed differential rates	Differential rates are now well established in principle and practice, provided that they are based on evidence of differential economic viability.	No change.

	would give rise to notifiable state aid or selective advantage to any given type or types of development. This could leave the charging schedule open to legal challenge.		
Backwell Parish Council Backwell Parish Council 1013153/cil/4	No.	Noted.	No change.
Blagdon Parish Clerk 7778337/cil/4	No.	Noted.	No change.
Congresbury Parish Council Congresbury Parish Council 1078849/cil/4	No comment – Lack of information provided for a formative reply.	Noted. Not clear what further information is required.	No change.
Flax Bourton Parish Council (M Windo)	No comment at this time.	Noted.	No change.

Flax Bourton Parish Council 7785537/cil/8			
House Builder Consortium Group (Savills) Savills 7800289/cil/3	See attached  House Builder Consortium Group (186 KB)	Please see consideration of response from Savills available in Appendix E to the Executive report from 21st June 2016 .	Please see consideration of response from Savills available in Appendix E to the Executive report from 21st June 2016 .
Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/4	In the areas outside of Weston or Weston Villages charge rate zone c the report refers to these as higher value areas, however the conclusion/recommendations do not take into account the low value of the rural economy, and the fact that we need to provide private housing at an affordable cost.	Regulations require that differential CIL rates are justified on the basis of development viability, not the viability of the economy as a whole.	No change.
Long Ashton Parish Council Long Ashton Parish Council 1014881/cil/4	No comment	Noted.	No change.

Portishead Town Council Portishead Town Council 4193569/cil/4	No comment.	Noted.	No change.
Somerset County Council (S Winfield) Somerset County Council 7788801/cil/4	We do not have any further comments to make.	Noted.	No change.
St Modwen Properties PLC - 3568545/cil/4	We have not reviewed the assessment in detail but broadly support the main findings of the document. We acknowledge and support the additional recommendation (3.11.2) that compromises and prioritisation may be necessary within some areas of the overall costs and obligations packages, as part of the usual adaptable, negotiated approach continuing alongside the CIL.	Comments noted.	No change.
Tom Leimdorfer 936033/cil/4	Yes, in general. However, apart from the Portishead Rail-link (which is of primary importance), the transport need assumptions are heavily weighted towards road schemes, some of which are controversial. There is very little there for public transport such as subsidies required to keep villages connected to bus services. The	The infrastructure set out in the PDCS is a sample from the adopted North Somerset Infrastructure Delivery Plan (IDP) and is intended to provide a high-level analysis of the infrastructure funding gap. A full list of requirements	No change.

	figures for cycle routes and improvements for pedestrians are also inadequate.	can be found in the IDP delivery schedules. The overall balance of road and other schemes reflects the balance approved through the Core Strategy process.	
Weston Town Council Weston-super-Mare Town Council 7777185/cil/5	No.	Noted.	No change.
Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/4	No. The conclusions are based on tested processes and my lack of expertise in this particular matter prevents my suggesting other options.	Noted.	No change.
Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/4	The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.	Noted.	No change.

Q05 Do you agree with the proposed CIL rates and geographical charging zones for residential development? If not, what do you think the rates should be and why?

Respondent	Comment	Councils Response	Proposed Changes
Backwell Parish Council Backwell Parish Council 1013153/cil/5	Yes.	Support noted.	No change.
Blagdon Parish Clerk 7778337/cil/5	Yes, provided that there is a considerable (meaningful) portion (minimum 40%) passed to community (Parish Council) where the development takes place.	The proportion of CIL to be retained by the local community is determined in accordance with government guidance. This is 15% (up to a maximum of £100 per council tax dwelling) or 25% (uncapped) for areas that have an adopted Neighbourhood Plan.	No change.
CLA (Country Land & Business Association) CLA (Country Land & Business Association) 7442625/cil/3	We are also concerned about the imposition of CIL on new rural occupational dwellings which enable agricultural or certain other full time workers live at or near their place of work (for essential occupational reasons). Our view is that CIL should not apply to rural occupational dwellings which will have been justified as a	Where there are variations in rates, this is based on development viability, not the viability of the wider economy. Most non-residential rural uses will be exempt	No change.

requirement of the specific business. We set out our arguments on CIL and rural occupational dwellings and rural affordable dwellings on pages 4 and 5 of the document.

Agricultural, Forestry and Other Occupational dwellings

We have noted that most CIL charging schedules are making no allowance for new housing where it is required to enable agricultural, forestry and certain other full-time workers to live at or in the immediate vicinity of their place of work. Our view is that the **CIL should not apply** to these dwellings, which will have been justified as a requirement for the specific business. Such properties are not sold for development gain and are usually restricted by some form of occupancy condition which has already had a negative impact on the value of the development.


In such cases, a charge of, for example £80/m² (Shropshire) or £135/ m² to £160 per m² (Greater Norwich et al) would simply be an additional cost of construction and is likely to render many such projects unviable, and could lead to new farming entrants being priced off the land they wish to farm and the curtailment of new business start ups in rural areas.

As these properties are crucial to the operation of, in general, land-based businesses and sustainable rural communities, we ask that they be considered separately, based on a suitable and up-to-date viability assessment, or classified with affordable housing for CIL purposes and thus zero-rated for CIL purposes.

Other rural dwellings

from CIL or are subject to nil rates. Self-build properties are also exempt.

	<p>Some CLA members decide to build houses to keep within their long term ownership to diversify their income through a residential portfolio of properties. There are no capital receipts from which to fund a CIL charge, rather the CIL charge would have to be met from existing revenues, which the land manager is trying to improve by diversifying to obtain an alternative rental income system. Such development is already likely to have to include an element of affordable housing not charging CIL or exempting it if affordable housing payment has been included. Or development might include affordable houses in the development</p> <p>In this instance, we suggest the planning authority should be more flexible in their approach for the payment of CIL. Such development may already include an affordable housing element. Flexible arrangements may include not charging the CIL until a rental income is received, payments by instalments or exempting the development from CIL charging if affordable housing has been included as part of the development.</p>		
<p>Congresbury Parish Council Congresbury Parish Council 1078849/cil/5</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>

<p>Flax Bourton Parish Council (M Windo) Flax Bourton Parish Council 7785537/cil/3</p>	<p>Should consideration for charging a CIL rate be given to Residential Zones B & C in respect of small sites that fall below the affordable housing threshold. Possibly, twice the suggested Zone B & C rates?</p>	<p>See paragraphs 2.2.4 and 2.2.5 of the DSP Viability Review Update 2016.</p>	<p>No change.</p>
<p>House Builder Consortium Group (Savills) Savills 7800289/cil/4</p>	<p>See attached</p> <p> House Builder Consortium Group (186 KB)</p>	<p>Please see consideration of response from Savills available in Appendix E to the Executive report from 21st June 2016.</p>	<p>Please see consideration of response from Savills available in Appendix E to the Executive report from 21st June 2016.</p>
<p>Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/5</p>	<p>No. The way in which the banding has been applied is far too arbitrary and does not take into account housing need. In rural areas certain types of development should be exempt from CIL charges in order to stimulate the supply of affordable housing to meet local need.</p>	<p>Differential rates must be based on economic viability only. Affordable housing is exempt from CIL.</p>	<p>No change.</p>

<p>Long Ashton Parish Council Long Ashton Parish Council 1014881/cil/5</p>	<p>Concerned that there is no CIL to be applied in central Weston. This will mean that much of the CIL raised in other areas will be spent outside those areas. CIL should be paid in all areas even if at a reduced rate.</p>	<p>Differential CIL rates must be based on evidence on development viability. Communities where the CIL is raised will retain a share of the income - government has announced that this will be 15%, or 25% for areas with an adopted Neighbourhood Plan.</p>	<p>NSC to provide further clarification on spending proposals for CIL.</p>
<p>Mead Realisations Ltd Mead Realisations Ltd 1074881/cil/4</p>	<p>It is noted that CIL charging is broken down into three zones (a, b and c). It is recognised that there is likely to be a difference in funding requirements at Weston-super-Mare (where the majority of new development is proposed and the challenges of delivering this) and the rest of the District. A distinction for zone c is supported. However, it is difficult to understand how there is a material difference between Zone a (Weston Town Centre and Gateway) and Zone b (Outer Weston), which includes Parklands? There is no evidence to support a zero CIL payment for Zone a when it relies on some of the infrastructure listed in the CIL. Scheme viability has already been raised by St Modwen and Persimmon Homes through Section 106 agreements for their respective Zone b schemes therefore, a more equitable split across Zone a and b would better assist delivery.</p> <p>As explained earlier, NSDC's position with regard to ensuring economic viability is supported through Government Policy and Regulation. Due to the limited range of sites (up to 500 dwellings) chosen by Dixon Searle the viability assessments do not quantify</p>	<p>Viability evidence has been provided showing that the Weston Town Centre zone cannot support CIL charges.</p> <p>Please see paragraphs 3.3.15 - 3.3.18 of the DSP Viability Review Update 2016 which discuss the issue of differential rates for large sites.</p> <p>North Somerset's Site Allocations Plan Consultation Draft published in March 2016 sets out the expected sites that will deliver housing across North Somerset to 2026. As of March 2015, only two of the site allocations in this document exceed 500 in number, one of which is within the nil CIL zone. A differential rate for a single site of 750 dwellings is inappropriate.</p>	<p>No change.</p>

	<p>the greater level of risk involved with the delivery of major strategic scale development and the additional burden this places upon promoters and developers. It does not then balance this with the additional level of reward that make the risk viable.</p> <p>The decision to split Weston-super-Mare into two zones is a poorly conceived concept and NSDC is asked to reconsider this part of the CIL. The Core Strategy provides the incentives to develop within the town by restricting development elsewhere.</p>	Should spatial plans in the future identify additional strategic sites this issue may be re-visited and rates reviewed.	
Palmer Street and Hopkins Stree Residents Palmer Row and Hopkins Stree Residents 6642945/cil/1	Agree so far.	Support noted.	No change.
Palmer Street and Hopkins Stree Residents Palmer Row and Hopkins Stree Residents 6642945/cil/2	Fine	Support noted.	No change.
Portishead Town Council Portishead Town Council 4193569/cil/5	North Somerset has been broken down into 3 areas, rather than the blanket approach of one value for everyone.	Comments noted. The viability work tested through the CIL process is the	No change.

	<ul style="list-style-type: none"> v Inner Weston v Outer Weston v The rest of the District <p>Weston being the lowest value and the rest of the District being the highest value.</p> <p>The proposed residential rates are</p> <ol style="list-style-type: none"> 1) £0/sq. m Weston Central (inner Weston) 2) £40/sq. m Outer Weston including Weston Village proposals 3) £60/sq. m rest of district (including Nailsea, Clevedon & Portishead and other settlements/areas of the district. <p>An alternative scenario is a single district wide figure of £40/sq. m, however this was noted to be low in comparison to suggested rate 3 (see above) and potentially prejudicial to development in inner Weston.</p> <p>Answer: - The three proposed residential rates appear to be the fairest way of allocating the levy; however there is no way of knowing whether the proposed scales are set at the right amount.</p>	<p>mechanism for establishing the most appropriate scale of charges.</p>	
<p>Somerset County Council (S Winfield) Somerset County Council 7788801/cil/5</p>	<p>We do not have any further comments to make.</p>	<p>Noted.</p>	<p>No change.</p>

<p>South West HARP Planning Consortium South West HARP Planning Consortium 6235201/cil/2</p>	<p>We broadly agree with the CIL charging schedules for residential development, however, as mentioned before we consider more evidence is required relating to the effect of CIL on affordable housing contributions and specialist older people’s housing within the C3 Use Class.</p>	<p>The DSP Viability Review Update 2016 comments on these considerations in paragraphs 3.3.10 – 3.3.14.</p>	<p>No change.</p>
<p>St Modwen Properties PLC - 3568545/cil/5</p>	<p>We welcome the distinction between Zone B (Outer Weston) which includes Locking Parklands and Zone C (Rest of District) given the challenge that the Weston Villages face in terms of strategic infrastructure and values compared to some of the areas outside of Weston.</p> <p>We would question the assumption however that no level of CIL shall be paid for in relation to Zone A (Weston Town Centre and Gateway) on the basis that the developments in this area will still impact upon the infrastructure to be funded by the CIL and there may be a degree of viability. We suggest that there may be scope to provide an average charge to be shared between Zone A and B.</p>	<p>Viability evidence demonstrates that the Weston Town Centre zone cannot support CIL charges.</p> <p>Please see paragraphs 3.3.15 - 3.3.18 of the DSP Viability Review update 2016 which discuss the issue of differential rates for large sites.</p> <p>North Somerset's Site Allocations Plan Consultation Draft published in March 2016 sets out the expected sites that will deliver housing across North Somerset to 2026. As of March 2016, only two of the site allocations in this document exceed 500 dwellings, one of which is within the nil CIL zone. A differential rate for the remaining site of 750 dwellings is inappropriate.</p>	<p>No change.</p>

		Should spatial plans in the future identify additional strategic sites this issue may be re-visited and rates reviewed.	
Tom Leimdorfer 936033/cil/5	There is a potential problem here. While I can see the rationale for higher CIL rates for area outside Weston in terms of greater infrastructure requirements per dwelling, the higher rate can have two negative effects. While we don't want to encourage any large scale development in these areas, some relatively small scale developments can be desirable but more difficult to achieve with higher CIL. Developers paying the higher CIL rate will also argue very strongly against any S106 for these developments. This could mean that parish and Town Councils miss out on contributions towards some essential local facilities unless the CIL is partly devolved to them. There is potential for conflict here, especially as parish and town councils are taking over more facilities and services.	The proposed rates are based on viability assessments to ensure that the delivery of Core Strategy development is not compromised. The assessments take into account potential S106 contributions. A proportion of the CIL is likely to be passed to the community to spend on supporting development - government has announced this will be 15%, or 25% for areas with an adopted Neighbourhood Plan.	Further clarification on the relationship between CIL and S106 to be provided.
Weston Town Council Weston-super-Mare Town Council 7777185/cil/6	Yes. The Town Council in particular supports the proposal to levy a nil charge on residential development in Zone A as this is a socially deprived area in which new development is in principle beneficial and which supports the economic wellbeing of the area.	Additional testing has been carried out – see paragraph 3.2.7 of the DSP Viability Review Update 2016 – but has found	No change.

	<p>The Town Council wishes Zone A to be extended to include the Grove Village area including Wadham Street, and also to include the Sea Front area north of Weston College and west of Lower and Upper Church Road as far as Birnbeck Pier.</p>	<p>that this area has higher viability than the proposed zero rate zone.</p>	
<p>Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/5</p>	<p>No. The geographical zones are acceptable as proposed. However, given the current need for care homes - a need which is likely to increase, the charging rate should be reduced to £20 to encourage development.</p> <p>Private housing should not necessarily see the same rate proposals as for care homes and the charging rate should be increased in Zone A to £40. The building of care homes may well free up some housing.</p>	<p>The DSP Viability Review Update 2016 comments on these considerations in paragraphs 3.3.10 – 3.3.14.</p>	<p>No change.</p>
<p>Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/5</p>	<p>The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.</p>	<p>Noted. Differential rates must be based on economic viability.</p>	<p>No change.</p>

Yatton Parish Council Yatton Parish Council 3322113/cil/4	No, it should only be put on 10 or more houses.	If CIL is to be introduced then this must be in accordance with the statutory regulations which set out which development will be liable - this is based on floorspace, not the number of dwellings.	No change.
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Q06 Do you agree with the proposed CIL rates for retail development? If not, what do you think the rates should be and why?

Respondent	Comment	Councils Response	Proposed Changes
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[Deleted] Sainsbury's Supermarkets Ltd White Young Green 7801441/cil/1	<p>Differentiation by Reference to size of retail development</p> <p>The CIL Regulations only permit differential charges by reference to location or different intended use of development. Neither the PDCS nor the supporting evidence adequately define or explain how a store with net sales above 280 sq m is a different intended use from a store with net sales below this amount. The proposal to differentiate charging based on different sizes of net sales areas of retail developments is therefore outside the scope of the CIL Regulations.</p>	Revised statutory guidance on CIL published in Dec 2012 states that "the definition of use for this purpose is not tied to the classes of development in the Town and Country Planning Act (Use Classes) Order 1987". North Somerset Council understands this as permitting size-based rates, provided that there is clear economic evidence to support the differential viability. Such rates have since been permitted elsewhere.	No change.
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In addition to the above, the reference to net sales areas instead of gross internal area (GIA) is unhelpful and not a transparent application of the CIL Regulations, in which charging is based on the GIA of new development.

Viability Assessment

The evidence base underpinning the PDCS is inadequate in that only three retail scenarios have been tested, mainly focussed on the convenience sector, with the results applied to the entire range of uses in Use Classes A1 - A5. Furthermore, whilst a charge of £60/sq m is proposed for retail development with net sales below 280 sq m, no retail scenarios of such size have in fact been tested. The viability assessment cannot therefore reasonably conclude that a £60/s m charge for small retail development can actually be sustained or that the proposed threshold for a 'step' in charging is appropriate or justified, as there is no evidence to support this.

In addition, whilst the charge is proposed to apply to all uses in the A1 - A5 Use Classes, no separate testing of the A2 - A5 Use Classes has been carried out.

The evidence for differentiation is discussed in detail in paragraphs 3.4.1 – 3.4.21 of the CIL Viability Appraisal 2012 and the Viability Review Update 2016.

Further testing of additional types of retail is felt unnecessary given this evidence base and that the amount of retail yet to come forward in the plan period in North Somerset is likely to be limited.

<p>Backwell Parish Council Backwell Parish Council 1013153/cil/6</p>	<p>No - we feel it is too high and might deter much needed retail development.</p>	<p>Noted, but evidence needed on viability.</p>	<p>No change.</p>
<p>Blagdon Parish Clerk 7778337/cil/6</p>	<p>Yes – although a lower rate (50%) should apply in a rural community to encourage rural business and employment.</p>	<p>Whilst NSC is sympathetic to these arguments, it is not permitted to set rates on the basis of policy preferences or to incentivise development in preferred locations.</p>	<p>No change.</p>
<p>CLA (Country Land & Business Association) CLA (Country Land & Business Association) 7442625/cil/2</p>	<p>We are pleased that most forms of commercial development (B1/B2/B8) are proposed to have a £0/m2 levy. However we are concerned about the effect of the imposition of CIL on rural retail proposals. Rural retail – particularly farm based – does not benefit from the levels of potential custom/footfall as are available to urban based retail operations and the risk is that CIL may kill off rural or farm based retail proposals before they start. This certainly applies to smaller scale proposals under the proposed 280 sq metre threshold proposed. There are also examples of rural retail operations – farm/country/equestrian supply stores etc - which are higher than this threshold net sales area which will be hit even harder by the proposed higher CIL rate of £120/m2. Our view is that rural retail should be exempt from CIL or zero rated and we would urge that the proposed policy/rates are</p>	<p>Whilst NSC is sympathetic to these arguments, it is not permitted to set rates on the basis of policy preferences or to incentivise development in preferred locations. Differential rates must be based on development viability, not the viability of the wider economy.</p>	<p>No change.</p>

	<p>reconsidered as they plainly discourage rural economic development at a time when it is so badly needed.</p> <p><u>Farm Shops</u></p> <p>Again most front-runner charging schedules are sweeping all retail up into one urban-biased charge rate. Little attention appears to have been given to rural retail units, such as farm shops or even new village shops and post offices. Urban-biased CIL charges will have an adverse impact on the provision of much needed rural retail outlets of all types.</p> <p>We request that you consider the matter of farm shops as part of an up-to-date farm shop viability assessment. In any event we suggest a nil rate is in order to encourage small-scale retail activity in and around rural communities.</p>		
<p>Congresbury Parish Council Congresbury Parish Council 1078849/cil/6</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>
<p>Flax Bourton Parish Council (M Windo) Flax Bourton Parish Council 7785537/cil/9</p>	<p>No comment at this time.</p>	<p>Noted.</p>	<p>No change.</p>

<p>Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/6</p>	<p>No comment.</p>	<p>Noted.</p>	<p>No change.</p>
<p>Long Ashton Parish Council Long Ashton Parish Council 1014881/cil/6</p>	<p>Support the higher rate for large scale retail and wonder if there should be a higher rate again for very large scale development.</p>	<p>The evidence for the proposed rates is provided in paragraphs 3.4.1 – 3.4.21 of the CIL Viability Appraisal 2012 and the Viability Review Update 2016. This does not support a further higher rate.</p>	<p>No change.</p>
<p>Mead Realisations Ltd Mead Realisations Ltd 1074881/cil/6</p>	<p>There does not appear to be any justification for the significant difference between A class uses under and over 280sqm? Continuing to include this differential is at odds with the recently published 2012 CIL Regulations. It is noted that these post-date the publication of NSDC's Preliminary Draft Charging Schedule. For the avoidance of doubt, the Regulations make it clear that rates are categorised by land use and then if appropriate, by defined zones. We have raised concern about the Zones a and b elsewhere in this response.</p>	<p>Revised statutory guidance on CIL published in Dec 2012 states that "the definition of use for this purpose is not tied to the classes of development in the Town and Country Planning Act (Use Classes) Order 1987" provided that clear economic evidence is provided to support any differential rates.</p> <p>Detailed evidence for the differential rates is provided in paragraphs 3.4.1 – 3.4.21 of the CIL Viability Appraisal 2012 and the Viability Review Update 2016.</p>	<p>No change.</p>

<p>Portishead Town Council Portishead Town Council 4193569/cil/6</p>	<p>Do not agree with proposed rates. They should be the standard rate because of the job creation potential.</p>	<p>Whilst NSC is sympathetic to these arguments, it is not permitted to set rates on the basis of policy preferences. Differential rates must be based on development viability.</p>	<p>No change.</p>
<p>Somerset County Council (S Winfield) Somerset County Council 7788801/cil/6</p>	<p>We do not have any further comments to make.</p>	<p>Noted.</p>	<p>No change.</p>
<p>St Modwen Properties PLC - 3568545/cil/6</p>	<p>We note the requirement for CIL is split between a threshold of 280 sq.m. (net sales) at £120sq.m above 280sq.m and £60sq.m below 280 sq.m.</p> <p>We are aware of concerns raised in response to Local Authority CIL proposals elsewhere proposing a similar split approach within the retail use class according to the size of store. This issue for example was raised at the Poole Borough Council CIL Examination in Public where the Inspector found that the Council could not justify a higher CIL level for supermarkets in comparison to smaller retail units. There appears to be some ambiguity with regards to this issue, as Regulation 13 of the CIL Regulations (amended 2011) only permits differentiation between different “intended uses of development”. Therefore unless different charges relate to different intended uses of development,</p>	<p>Revised statutory guidance on CIL published in Dec 2012 states that "the definition of use for this purpose is not tied to the classes of development in the Town and Country Planning Act (Use Classes) Order 1987".</p> <p>Differential rates based on policy objectives such as encouraging retail are not permitted. Differential rates must be based on comparative economic evidence.</p>	<p>No change.</p>

	<p>or different zones they are not allowed under the regulations. Legal commentary at the time of the Poole EiP confirmed this matter. We note that the December 2012 CIL Guidance (DCLG) provides further clarification on the issue by confirming that the different rates can only be justified by a comparative assessment of the economic viability of those categories of development.</p> <p>We have since seen further split approaches by local authorities including geographical approaches whereby a nil rate is to be applied to all retail proposals within central locations or areas where regeneration objectives are key. We would therefore highlight to the Council that there may be scope to explore a reduced CIL level to apply to retail proposals within Weston Town Centre and the Weston Villages in order to encourage proposals in locations acceptable in planning policy terms. We note that the December 2012 CIL DCLG guidance confirms that in some cases, charging authorities could treat a major strategic site as a separate geographical zone where it is supported by robust evidence on economic viability. Paragraph 36 confirms that an authority could set differential rates by reference to both zones and the categories of development within its area.</p>		
<p>Tom Leimdorfer 936033/cil/6</p>	<p>Yes, agree.</p>	<p>Support noted.</p>	<p>No change.</p>

<p>W M Morrison Supermarkets Plc W M Morrison Supermarkets Plc 7778401/cil/1</p>	<p>I write on behalf of our client, WM Morrison Supermarkets Plc, to comment on North Somerset Council’s Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule, which is currently out for consultation.</p> <p>Whilst we acknowledge that the Preliminary Draft Charging Schedule is informed by Dixon Searle’s CIL Viability Assessment Report, our client objects to the proposed CIL rate of £120 per sq. m. for ‘large scale’ retail development (i.e. Use Classes A1/A2/A3/A4/A5 of more than 280 sq. m. net sales area).</p> <p>Our client is concerned that the suggested charge will have an adverse impact on the overall viability of future retail development in the borough. In our view, a balance has not been found between infrastructure funding requirements and viability. The draft charge will put undue additional risk on the delivery of new large-scale retail development and will represent an 'unrealistic' financial burden. This, in turn, poses a threat to potential new investment and job creation in the local area at a time of economic recession and low levels of development activity.</p> <p>In addition, we also object to a differential rate of £60 per sq. m being set for ‘small scale’ retail development.</p> <p>At Examination, Sainsbury's objected to Borough of Poole's proposal to charge differential rates within the same intended use of development (i.e. retail). This prompted the Inspector to adjourn the Hearing to allow the Council to review its approach in relation to separate rates for different sub-categories for Class A1 development. Subsequently, Borough of Poole, Mid Devon</p>	<p>Revised CIL guidance (Dec 2012) has clarified that differential rates need not be bound by the Use Classes Order, provided that there is a clear case in terms of economic viability.</p> <p>Detailed evidence for the proposed rates is provided in paragraphs 3.4.1 – 3.4.21 of the CIL Viability Appraisal 2012 and the Viability Review Update 2016. NSC does not agree that the proposed rates for large-scale retail will compromise development.</p>	<p>No change.</p>
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	<p>District Council and Elmbridge Borough Council have all dropped their plans to charge differential rates for retail development, in the absence of fine grained evidence to support this approach.</p> <p>We trust our comments will be taken into account in progressing the CIL Charging Schedule and would be grateful if you could update Peacock and Smith at the next stage of CIL.</p>		
<p>Weston Town Council Weston-super-Mare Town Council 7777185/cil/7</p>	<p>No. The Town Council would like to see a nil or reduced rate of CIL for retail development in the Town Centre (defined as Residential Zone A excluding areas to the East and South of the railway loop). This would support the economic viability of the Town Centre and help to create jobs in what is a socially deprived area. It would also recognise the higher infra-structure costs for the community incurred by out of town shopping areas which rely on creating motor traffic for access. (While not within its direct remit, the Town Council would similarly support a nil rate of CIL for retail development in the town centres of Clevedon, Nailsea and Portishead.)</p>	<p>Whilst NSC is sympathetic to these arguments, it is not permitted to set rates on the basis of policy preferences.</p>	<p>No change.</p>

<p>Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/6</p>	<p>No. Retail development does provide employment but at a cost to community centres. The proposal for large scale development should be £140 but remain as proposed for smaller developments since they can feature at the core of new communities eg Locking airport development. Rural employment opportunities must be encouraged and a low rate for development in such areas should be set.</p>	<p>Differential rates must be based on comparative economic viability. It is not permitted to base differential rates on policy objectives.</p>	<p>No change.</p>
<p>Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/6</p>	<p>The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.</p>	<p>Noted.</p>	<p>No change.</p>
<p>Yatton Parish Council Yatton Parish Council 3322113/cil/5</p>	<p>No it discourages employment</p>	<p>The viability evidence is that retail development is appropriate for CIL, and this should therefore not be a disincentive to job creation.</p>	<p>No change.</p>

Q07 Do you agree with the proposed CIL rates for student accommodation? If not, what do you think the rates should be and why?

Respondent	Comment	Councils Response	Proposed Changes
Backwell Parish Council Backwell Parish Council 1013153/cil/7	Yes.	Support noted.	No change.
Blagdon Parish Clerk 7778337/cil/7	Yes.	Support noted.	No change.
Congresbury Parish Council Congresbury Parish Council 1078849/cil/7	Yes.	Support noted.	No change.
Flax Bourton Parish Council (M Windo) Flax Bourton Parish Council 7785537/cil/10	No comment at this time.	Noted.	No change.

Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/7	No comment.	Noted.	No change.
Long Ashton Parish Council Long Ashton Parish Council 1014881/cil/7	Should be the same as for housing development.	Comments noted, but need evidence on viability.	No change.
Portishead Town Council Portishead Town Council 4193569/cil/7	No. This should be the standard rate as this is a commercial concern.	Objection noted, although it is unclear what is meant by a standard rate.	No changes.
Somerset County Council (S Winfield) Somerset County Council 7788801/cil/7	We do not have any further comments to make.	Noted.	No change.
St Modwen Properties PLC - 3568545/cil/7	No comment.	Noted.	No change.

Tom Leimdorfer 936033/cil/7	Yes, agree.	Support noted.	No change.
Weston Town Council Weston-super-Mare Town Council 7777185/cil/8	Yes.	Support noted.	No change.
Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/7	Yes. Students do bring money into an area but in doing so their demand for local housing may well reduce availability to those living and working in the area.	Support noted. However differential rates must be based on economic viability only.	No change.
Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/7	The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.	Noted. Differential rates must be based on economic viability only.	No change.

Yatton Parish Council Yatton Parish Council 3322113/cil/6	No.	Objection noted, but no reasons given.	No change.
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Q08 Do you agree with the proposed CIL rates for care homes? If not, what do you think the rates should be and why?

Respondent	Comment	Councils Response	Proposed Changes
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Backwell Parish Council Backwell Parish Council 1013153/cil/8	Yes.	Support noted.	No change.
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Blagdon Parish Clerk 7778337/cil/8	Yes – except in rural community where CIL should not apply so as to encourage rural business and employment.	CIL rates must be based on development viability considerations, not policy preferences.	No change.
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Congresbury Parish Council Congresbury Parish Council 1078849/cil/8	Yes.	Support noted.	No change.
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<p>Flax Bourton Parish Council (M Windo) Flax Bourton Parish Council 7785537/cil/11</p>	<p>No comment at this time.</p>	<p>Noted.</p>	<p>No change.</p>
<p>Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/8</p>	<p>No comment.</p>	<p>Noted.</p>	<p>No change.</p>
<p>Long Ashton Parish Council Long Ashton Parish Council 1014881/cil/8</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>
<p>Palmer Street and Hopkins Stree Residents Palmer Row and Hopkins Stree Residents 6642945/cil/3</p>	<p>Given the complexity that should exist for care homes vis-a-vis student accommodation (40) care homes should be say 25% higher.</p>	<p>Differential CIL rates must be based on viability evidence.</p>	<p>No change.</p>

<p>Portishead Town Council Portishead Town Council 4193569/cil/8</p>	<p>No. This should be the standard rate as this is a commercial concern.</p>	<p>Noted, but it is not clear what is meant by a standard rate. Differential rates must be based on viability evidence.</p>	<p>No change.</p>
<p>Somerset County Council (S Winfield) Somerset County Council 7788801/cil/8</p>	<p>We do not have any further comments to make.</p>	<p>Noted.</p>	<p>No change.</p>
<p>South West HARP Planning Consortium South West HARP Planning Consortium 6235201/cil/3</p>	<p>We are concerned at the lack of viability evidence provided by the Council in charging CIL on C2 Uses. North Somerset is the only Local Authority we are aware of in the country currently pursuing a charge for CIL on C2 developments and we consider that in order to justify this unique position the Council must provide a full evaluation of the viability of a variety of older people's housing schemes including: sheltered housing, extra care, close care and Continuing Care Retirement Communities. Without such evidence the Council's charging schedule will not accord with the DCLG Guidance which states:</p> <p>"Differences in rated need to be justified by reference to the economic viability of development" para 34 DCLG Community Infrastructure Levy Guidance 2012</p> <p>The issue of a charge for C2 development is particularly pertinent in North Somerset we note that the Council's Housing Strategy</p>	<p>The DSP Viability Review Update 2016 comments on these considerations in paragraphs 3.3.10 – 3.3.14.</p>	<p>No change.</p>

	<p>identifies an increase in the number of people aged between 65 and 84 of 48% and the number aged 85 and over by 62% by 2025. National research shows that a third of older people would consider retirement housing and that the over 60s will contribute 60% of new household growth by 2033 (Housing in later Life: Planning Ahead for Specialist Housing, pg4). Within North Somerset there will be an increasing demand for specialist older people's housing and the proposed charge would jeopardise the delivery of Care Housing. We therefore cannot agree with the proposed CIL rates for care homes and consider that the Council needs to provide further viability evidence before pursuing this charge.</p>		
<p>St Modwen Properties PLC - 3568545/cil/8</p>	<p>No comment.</p>	<p>Noted.</p>	<p>No change.</p>
<p>Tom Leimdorfer 936033/cil/8</p>	<p>No, this should be at the higher rate of £60/sq.m as we have an over-provision of care homes and they result in extra burdens on Social Services.</p>	<p>Differential rates must be based on economic viability not policy preference.</p>	<p>No change.</p>

<p>Weston Town Council Weston-super-Mare Town Council 7777185/cil/9</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>
<p>Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/8</p>	<p>No. The geographical zones are acceptable as proposed. However, given the current need for care homes - a need which is likely to increase, the charging rate should be reduced to £20 to encourage development.</p> <p>Private housing should not necessarily see the same rate proposals as for care homes and the charging rate should be increased in Zone A to £40. The building of care homes may well free up some housing.</p>	<p>Differential rates must be based on economic viability not policy objectives.</p>	<p>No change.</p>
<p>Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/8</p>	<p>The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.</p>	<p>Noted.</p>	<p>No change.</p>

Q09 Do you agree with the proposed CIL rates for commercial development? If not, what do you think the rates should be and why?

Respondent	Comment	Councils Response	Proposed Changes
Backwell Parish Council Backwell Parish Council 1013153/cil/9	No - again we feel it is too high and may deter commercial development.	The rate for all B-class commercial development across North Somerset is nil. Differential rates must be based on viability not policy objectives.	No change.
Blagdon Parish Clerk 7778337/cil/9	Yes – except in rural community where a lower rate (50%) should apply so as to encourage rural business and employment.	Differential rates must be based on viability not policy objectives. The rate for all B-class commercial development across North Somerset is nil.	No change.
Congresbury Parish Council Congresbury Parish Council 1078849/cil/9	Yes.	Support noted.	No change.

<p>Flax Bourton Parish Council (M Windo) Flax Bourton Parish Council 7785537/cil/4</p>	<p>Consideration should be given to a CIL charge on Use Classes B1/B2/B8 due to the inter-changeability of these three use classes?</p>	<p>Noted, but all of these uses are proposed to be at a nil rate, so movement between uses will not affect CIL.</p>	<p>No change.</p>
<p>Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/9</p>	<p>It may be appropriate for certain types of "good neighbour" commercial development to be zero-rated for CIL and exempt from Section 106 charges if this would be (a) the only route to viability and (b) to the overall benefit of the local area, but not otherwise.</p>	<p>Differential CIL rates must be based on comparative economic viability not policy objectives.</p>	<p>No change.</p>
<p>Long Ashton Parish Council Long Ashton Parish Council 1014881/cil/9</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>
<p>Portishead Town Council Portishead Town Council 4193569/cil/9</p>	<p>No. This should be the standard rate as this is a commercial concern.</p>	<p>Noted, but it is not clear what is meant by a standard rate.</p>	<p>No change.</p>

Somerset County Council (S Winfield) Somerset County Council 7788801/cil/9	We do not have any further comments to make.	Noted.	No change.
St Modwen Properties PLC - 3568545/cil/9	We welcome the decision not to place a charge on commercial floorspace.	Support noted.	No change.
Tom Leimdorfer 936033/cil/9	Yes, agree.	Support noted.	No change.
Weston Town Council Weston-super-Mare Town Council 7777185/cil/10	Yes, zones should be created in the town centres of the four towns in North Somerset with lower or nil rates of CIL to encourage Town Centre development for the economic and social reasons given in 6 above.	Differential rates must be based on viability not policy objectives. The rate for all B-class commercial development across North Somerset is nil.	No change.

Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/9	No. Any development has the potential to impact on communities and on this basis alone both commercial categories should set a charge of £20.	Noted, but differential rates must be based on comparative economic viability only.	No change.
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Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/9	The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.	Noted.	No change.
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Q10 Do you agree with the proposed CIL rates for all other qualifying development? If not, what do you think the rates should be and why?

Respondent	Comment	Councils Response	Proposed Changes
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[Deleted] The Planning Bureau Ltd The Planning Bureau Ltd 7689825/cil/2	Given the extent of projected housing need for older persons accommodation including specialist forms of older persons housing and extra care accommodation identified in ‘A National Strategy for Housing in an Ageing Society’, and at the local level, it is paramount that CIL schedule recognises the shortcomings of	The DSP Viability Review Update 2016 comments on these considerations in paragraphs 3.3.10 - 3.3.14.	No change.
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	<p>the proposed 'metric' and address this issue to ensure fairness across the residential development industry.</p> <p>It is noted from the CIL regulations when considering exemptions to CIL payment lists a set of criteria which includes that '<i>relief from CIL should be fair and not create undue distortions of competition</i>'. This criterion is equally valid when considering the application of CIL to differing forms of development. It is my Client's belief that the current Schedule is neither fair, nor do they prevent distortions of competition, when applied to specialist forms of older persons accommodation such as retirement housing.</p>	<p>It is not permitted to set rates on the basis of policy preferences such as encouraging or discouraging certain types or locations of development.</p>	
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<p>Backwell Parish Council Backwell Parish Council 1013153/cil/10</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>
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<p>Blagdon Parish Clerk 7778337/cil/10</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>
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<p>Congresbury Parish Council Congresbury Parish Council 1078849/cil/10</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>
<p>Flax Bourton Parish Council (M Windo) Flax Bourton Parish Council 7785537/cil/12</p>	<p>No comment at this time.</p>	<p>Noted.</p>	<p>No change.</p>
<p>Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/10</p>	<p>A definition of other qualifying developments is needed here. Historically, farming has been non-rated, but perhaps this now required reappraisal in the case of applications for mega-units (mega-dairies etc) which are more akin to industrial operations than to traditional agricultural practice.</p>	<p>It is possible that such uses may have some degree of viability that could enable CIL charging, however the desire of collecting funding should be considered against the disadvantages of an overly complex charging system and the small amount of development expected of this type. On balance, the council's preference is to maintain simplicity.</p>	<p>No change.</p>
<p>Long Ashton Parish Council Long Ashton Parish Council 1014881/cil/10</p>	<p>Sports and leisure buildings should be subject to CIL.</p>	<p>It is possible that this use may have some degree of viability that could enable CIL charging, however the desire</p>	<p>No change.</p>

		<p>of collecting funding should be considered against the disadvantages of an overly complex charging system. On balance, the council's preference is to maintain simplicity.</p> <p>Any rates would only apply to buildings, not to open space areas such as sports pitches.</p>	
<p>Portishead Town Council Portishead Town Council 4193569/cil/10</p>	<p>Community & Other uses - £0/sq. m</p> <p>Answer:- No. Community only (not other uses).</p>	Noted, but viability evidence required.	No change.
<p>Somerset County Council (S Winfield) Somerset County Council 7788801/cil/10</p>	We do not have any further comments to make.	Noted.	No change.
<p>St Modwen Properties PLC - 3568545/cil/10</p>	We welcome the decision not to place a charge on other qualifying development.	Support noted.	No change.

Tom Leimdorfer 936033/cil/10	Yes.	Support noted.	No change.
Weston Town Council Weston-super-Mare Town Council 7777185/cil/11	Given the shortage of social rented housing the Town Council would like to see charitable relief for rented social housing developments by Housing Associations.	These uses are already exempt from CIL due to national regulations.	No change.
Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/10	No. Any development has the potential to impact on communities and on this basis alone both commercial categories should set a charge of £20.	Differential rates must be based on comparative economic viability.	No change.
Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/10	The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.	Noted.	No change.

Q11 Do you believe there are any alternative or further sub-divisions of development zones or uses that should be considered for separate rates? Please provide details and rationale.

Respondent	Comment	Councils Response	Proposed Changes
Backwell Parish Council Backwell Parish Council 1013153/cil/17	No.	Noted.	No change.
Blagdon Parish Clerk 7778337/cil/11	Low cost housing should be exempt from CIL whether part of a larger development or the whole of a development.	Noted. Housing classified as 'affordable' in line with national definitions is automatically exempt from CIL.	No changes.
CLA (Country Land & Business Association) CLA (Country Land & Business Association) 7442625/cil/1	CLA is particularly concerned that rural development is not put at a disadvantage and rendered unviable by the imposition of CIL charges which do not adequately reflect the differences in economic viability between urban and rural developments. This is	Most agricultural uses will be exempt from CIL or are subject to nil rates. Self-build housing is also exempt.	No change.

a thread that runs through all our comments on CIL. This issue is relevant to North Somerset as much as any other local authority area as much of your territory is rural.

We are also concerned about the imposition of CIL on new rural occupational dwellings which enable agricultural or certain other full time workers live at or near their place of work (for essential occupational reasons). **Our view is that CIL should not apply to rural occupational dwellings** which will have been justified as a requirement of the specific business. We set out our arguments on CIL and rural occupational dwellings and rural affordable dwellings on pages 4 and 5 of the document.

The Government's policy guidance on CIL makes it very clear that charging authorities wishing to introduce a CIL charging schedule must ensure that they propose a rate(s) that does not put at serious risk the overall development of their area and they must provide evidence on economic viability and infrastructure planning. CIL is expected to have a positive economic effect on development across an area.

A key consideration for charging authorities is the balance between securing additional investment for infrastructure to support development and the potential negative economic effect of imposing CIL upon development in their area. In their background evidence on economic viability to the CIL examination, charging authorities are required to explain why they consider that their proposed CIL rate(s) will not put the overall development across their area at serious risk. The CLA is picking up a number of concerns that the particular circumstances of a site may mean the CIL charge renders development unviable

Where there are variations in rates, this is based on development viability, not the viability of the wider economy.

Whilst NSC is sympathetic to some of the arguments that are made, it is not permitted to set rates on the basis of policy objectives.

even though the planning authority's viability evidence may suggest otherwise.

The viability of a development is crucial to the delivery of economic growth and jobs whether in rural or urban areas. CIL is intended to be a pro-growth tool. But we are seeing charging schedules that are imposing urban-focussed CIL charges on new development in rural areas. It would be ironic if CIL charges had the effect of making the already dire development climate even more difficult with the obvious knock-on effects for the Government's growth and housing agendas.

The CLA has analysed a number of CIL front-runners' viability assessments and preliminary charging schedules and we are very concerned that agricultural, horticultural and forestry developments, and small scale rural developments, are being swept up with urban-focussed development charges. Clearly this would be to the detriment of the rural economy as a whole as urban-focussed charges would stop critically needed development in the countryside. The CIL regulations do allow for differential rates subject to being underpinned by clear evidence.

It is hard to square the Government's calls for local authorities to moderate their s106 demands to get development going, with the emergence of CIL charging schedules that appear to be going in a totally different direction. If the viability assessment for a proposed CIL is not robust then a flawed CIL regime will be put in place which could hold back development within an authority for years.

The setting of inappropriate rates for rural economic development, and some forms of rural housing, will have the long-term effect of constraining all forms of land-based development and farm-based diversification development opportunities with consequential impacts on the long term sustainability of the rural economy and jobs, rural communities and ultimately on the goods and services, both environmental and food-related, that are delivered by CLA members.

Viability assessments must be underpinned by robust evidence that takes account of the differences in economic viability between urban and rural developments.

Clearly for those charging authorities, who have urban areas and rural hinterlands, they can take advantage of setting differential rates and we strongly urge the authority to consider the use of different rates for rural areas if the charging schedule is not to prevent critically needed rural development from coming forward.

A local planning authority must have regard to development viability when setting their CIL charges. Any charging authority wanting to charge a levy for agricultural, forestry or other rural economic development proposals will need to justify this in their consultation(s) and at the public examination. The CLA will be looking for up-to-date evidence that relevant viability assessments have been undertaken and we will be testing these assessments for their viability. If charges are proposed that are not underpinned by up-to-date evidence the CLA will lodge strong objections and take the matter to the public examination.

Agriculture, horticulture and forestry enterprises

Regulation 6[1] (which sets out the meaning of “development”) says that CIL will not be levied on all new “...buildings into which people do not normally go” and it will not be levied on “...buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery” nor on works undertaken to these buildings.

The Government advised in 2010 that there are a number of changes that the Department for Communities and Local Government have made that will benefit the agricultural industry – the following is directly quoted from a letter to Julian Sayers FRICS from Tony Collins DEFRA Sponsorship, Employment and Tenancies team dated 23 February 2010:

- *“the fact that CIL will now be charged on the net increase in development rather than gross which means that – subject to the conditions set out in the regulations – if you build a barn that is the same size as the old one there should be no charge.*
- *We have retained our definition of buildings so agricultural structures into which people do not normally go are likely to be exempt (see draft regulation 6(2)), and there is the new facility, if local authorities decide to take it up, of enabling exceptional circumstances to be treated sympathetically. This is on top of the existing requirement for local authorities to provide evidence to the independent examiner that the CIL rates they propose to charge are actually viable.”*


Therefore, buildings erected for agricultural and horticultural purposes or for forestry purposes are not buildings into which people normally go and therefore must be, specifically, exempted, or at the very least zero-rated, in your forthcoming draft and adopted ch

Farm-based diversification

We are very concerned about the potential impact of CIL charges on farm-based diversification. All land managers are encouraged by the Government (since 2007) to find alternative sources of income other than from agriculture (or forestry) to remain profitable and to be able to underpin uneconomic agricultural (and forestry) enterprises. This largely means that land managers must find new uses for traditional, including listed, farm (or forestry) buildings, which are redundant for modern agricultural (or forestry) needs, or to find new uses for land many of which will require planning permission for change of use. Indeed a succession of national planning policies for rural areas, including PPS4 and the new National Planning Policy Framework positively promote new business activity in rural areas, and try to establish a culture of rewarding entrepreneurship. As a result many land managers continue to seek to diversify and attempt to bring back into use traditional rural buildings for commercial (including equestrian), or community, use and/or to provide new build small scale commercial development on redundant farmsteads to support, for example, incubator units for new micro/small-business start-ups.

It is accepted by the CLA that this re-use of farm (or forestry) buildings may, but not always, have an increased impact on local

	<p>infrastructure through such consequences as additional traffic movements. But Government guidance is clear that CIL is not chargeable on changes of use which do not involve an increase in floorspace. Therefore, your CIL charging schedule should not include any rate(s) for change of use of redundant farm buildings to new uses.</p> <p>However, we request that a nil rate is set for a change of use of a redundant farm building, which involves an extension and/or a new build that, for example provides for incubator units for new small business start-ups (whether for office or light industrial work space).</p>		
<p>Congresbury Parish Council Congresbury Parish Council 1078849/cil/11</p>	<p>No.</p>	<p>Noted.</p>	<p>No change.</p>
<p>Flax Bourton Parish Council (M Windo) Flax Bourton Parish Council 7785537/cil/5</p>	<p>Suggest CIL charge for hotel development.</p>	<p>Paragraphs 3.6.1 – 3.6.3 of the CIL Viability Assessment 2012 considered whether rates should be applied to hotels but found that viability evidence did not support this.</p>	<p>No change.</p>

<p>House Builder Consortium Group (Savills) Savills 7800289/cil/5</p>	<p>See attached</p> <p> House Builder Consortium Group (186 KB)</p>	<p>Please see consideration of response from Savills available in Appendix E to the Executive report from 21st June 2016.</p>	<p>Please see consideration of response from Savills available in Appendix E to the Executive report from 21st June 2016.</p>
<p>Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/11</p>	<p>We consider the zone c to be too wide as it includes rural areas along side towns such as Nailsea and Clevedon and does not therefore take into account the unique problems of the rural community.</p>	<p>The approach is to identify broad zones which reflect viability but also not to create an over-complicated CIL framework. Creating additional residential zones such as for each of the towns and the rural areas would reduce the transparency of the approach and, with potentially higher CIL rates in the rural areas, it is unlikely to have any impact on the problems of the rural community. Differential rates must be based on comparative development viability.</p>	<p>No change.</p>

<p>Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/12</p>	<p>We consider the zone c to be too wide as it includes rural areas along side towns such as Nailsea and Clevedon and does not therefore take into account the unique problems of the rural community.</p> <p>A separate band should be applied to certain residential developments aimed at low cost private housing within the rural communities.</p>	<p>The approach is to identify broad zones which reflect viability but also not to create an over-complicated CIL framework. Creating additional residential zones such as for each of the towns and the rural areas would reduce the transparency of the approach and, with potentially higher CIL rates in the rural areas, it is unlikely to have any impact on the 'unique problems of the rural community'.</p> <p>Starter Homes will be exempt from CIL.</p>	<p>No change.</p>
<p>Mead Realisations Ltd Mead Realisations Ltd 1074881/cil/5</p>	<p>It is noted that CIL charging is broken down into three zones (a, b and c). It is recognised that there is likely to be a difference in funding requirements at Weston-super-Mare (where the majority of new development is proposed and the challenges of delivering this) and the rest of the District. A distinction for zone c is supported. However, it is difficult to understand how there is a material difference between Zone a (Weston Town Centre and Gateway) and Zone b (Outer Weston), which includes Parklands? There is no evidence to support a zero CIL payment for Zone a when it relies on some of the infrastructure listed in the CIL. Scheme viability has already been raised by St Modwen and Persimmon Homes through Section 106 agreements for their</p>	<p>Development viability assessments for Weston Town Centre have shown that this area cannot support CIL charges.</p>	<p>No change.</p>

	<p>respective Zone b schemes therefore, a more equitable split across Zone a and b would better assist delivery.</p> <p>The decision to split Weston-super-Mare into two zones is a poorly conceived concept and NSDC is asked to reconsider this part of the CIL. The Core Strategy provides the incentives to develop within the town by restricting development elsewhere.</p>		
<p>Portishead Town Council Portishead Town Council 4193569/cil/11</p>	<p>No alternatives.</p>	<p>Noted.</p>	<p>No change.</p>
<p>Somerset County Council (S Winfield) Somerset County Council 7788801/cil/11</p>	<p>We do not have any further comments to make.</p>	<p>Noted.</p>	<p>No change.</p>
<p>St Modwen Properties PLC - 3568545/cil/11</p>	<p>As explained above we would seek clarification with regards to the potential for averaging the CIL rate between the residential development zones A and B. We have also noted above whether there is scope to consider a reduced CIL requirement for retail</p>	<p>Development viability assessments for Weston Town Centre have shown that residential development in this area cannot support CIL charges.</p>	<p>No change.</p>

	proposals within Weston Town Centre and Weston Villages rather than providing a split within the use class itself.	NSC is sympathetic to arguments supporting town centre retail, but it is not permitted to set rates on the basis of policy preferences.	
Tom Leimdorfer 936033/cil/11	The proposed scheme has the benefit of simplicity, otherwise we could have some differentiation between towns, service villages and elsewhere.	Noted. NSC's preference is for a system that is simple to operate. Complex charging could lead to significant variation between areas.	No change.
Weston Town Council Weston-super-Mare Town Council 7777185/cil/12	No, for the reason given above.	Noted.	No change.
Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/11	No. Sufficient division in the proposals - more would make the system increasingly and unnecessarily complex.	Noted.	No change.

Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/11	The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.	Noted.	No change.
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Q12 Which developments in North Somerset do you think would potentially benefit from discretionary charitable relief if offered?

Respondent	Comment	Councils Response	Proposed Changes
Backwell Parish Council Backwell Parish Council 1013153/cil/11	We cannot think of any.	Noted.	No change.
Blagdon Parish Clerk 7778337/cil/12	Housing charities should be exempt.	Noted. Affordable housing as defined nationally is automatically exempt from CIL. Charities building for the purposes of the direct delivery of their charitable purposes will also be automatically exempt.	No change.

Congresbury Parish Council Congresbury Parish Council 1078849/cil/12	No Comment.	Noted.	No change.
Flax Bourton Parish Council (M Windo) Flax Bourton Parish Council 7785537/cil/13	No comment at this time.	Noted.	No change.
Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/13	No comment.	Noted.	No change.
Portishead Town Council Portishead Town Council 4193569/cil/12	No relief should be given.	Noted.	No change.
Somerset County Council (S Winfield) Somerset County Council 7788801/cil/12	We do not have any further comments to make.	Noted.	No change.

St Modwen Properties PLC - 3568545/cil/12	No comment.	Noted.	No change.
Tom Leimdorfer 936033/cil/12	It is possible that some voluntary/charity organisation may be providing a priority service to NSC and need to build. There could then be a case for discretionary charitable relief.	Developments by charities to enable the direct delivery of their charitable purposes are exempted from CIL.	No change.
Weston Town Council Weston-super-Mare Town Council 7777185/cil/13	None.	Noted.	No change.
Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/12	Hospitals and related buildings (but not accommodation), hospices, CAB, NSPCC, sporting facilities including sports fields and registered charities.	All of the above uses would normally be subject to mandatory exemptions from CIL or are subject to a nil rate.	No change.

Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/12	The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.	Noted.	No change.
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Q13 Do you agree with North Somerset Council's intention not to allow discretionary charitable relief?

Respondent	Comment	Councils Response	Proposed Changes
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Backwell Parish Council Backwell Parish Council 1013153/cil/12	Yes.	Support noted.	No change.
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Blagdon Parish Clerk 7778337/cil/13	No – we consider that each development of this type should be considered on a case by case basis.	Objection noted, but CIL requires that defined policies are set and does not allow a case-by-case assessment of charges.	No change.
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Congresbury Parish Council Congresbury Parish Council 1078849/cil/13	Yes.	Support noted.	No change.
Flax Bourton Parish Council (M Windo) Flax Bourton Parish Council 7785537/cil/6	No.	Objection noted, but no reasons given.	NSC to consider.
Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/14	No, we believe charitable relief is an important aspect of our society.	Having reviewed all the consultation responses, NSC does not intend to introduce discretionary charitable relief at the present time. However this aspect does not need to be part of the Charging Schedule process; NSC could choose to introduce a discretionary charitable relief policy at a later stage if it wished.	No change at the present time, but may be introduced in the future if there is agreed need.
Long Ashton Parish Council Long Ashton Parish Council 1014881/cil/11	Yes.	Support noted.	No change.

<p>Mead Realisations Ltd Mead Realisations Ltd 1074881/cil/7</p>	<p>It is short-sighted of NSDC not to include discretionary relief as part of the CIL charging schedule. Whilst it is understood that NSDC wishes to maximise the certainty of funding to support infrastructure, the stalling or non-implementation of development on viability grounds will have a far greater adverse effect than achieving a discounted rate through the formal and independent examination procedure set out in the Regulations. The regulations allow for this procedure to ensure that in accordance with the Governments wider social and economic policies, new development is delivered in a timely and efficient manner.</p>	<p>These comments appear to apply to Exceptional Circumstances Relief rather than Discretionary Charitable Relief.</p> <p>Having reviewed all the consultation responses, NSC does not intend to introduce either form of relief at the present time. However these aspects do not need to be part of the Charging Schedule process; NSC could choose to introduce relief policies at a later stage if it wished.</p>	<p>No change at the present time, but may be introduced in the future if there is agreed need.</p>
<p>Palmer Street and Hopkins Streel Residents Palmer Row and Hopkins Stree Residents 6642945/cil/4</p>	<p>No to wide must depend on circumstances.</p>	<p>CIL requires that defined policies are set in advance and does not allow a case-by-case assessment of charges.</p> <p>Having reviewed all the consultation responses, NSC does not intend to introduce either form of relief at the present time. However these aspects do not need to be part of the Charging Schedule process; NSC could choose to introduce relief policies at a later stage if it wished.</p>	<p>No change at the present time, but may be introduced in the future if there is agreed need.</p>

Portishead Town Council Portishead Town Council 4193569/cil/13	Yes.	Support noted.	No change.
Somerset County Council (S Winfield) Somerset County Council 7788801/cil/13	We do not have any further comments to make.	Noted.	No change.
St Modwen Properties PLC - 3568545/cil/13	No comment.	Noted.	No change.
Tom Leimdorfer 936033/cil/13	I think this needs further thought, but it should be exceptional circumstances.	CIL requires that defined policies are set in advance and does not allow a case-by-case assessment of charges. Having reviewed all the consultation responses, NSC does not intend to introduce either form of relief at the present time. However these aspects do not need to be part of the Charging Schedule process; NSC could choose to	No change at the present time, but may be introduced in the future if there is agreed need.

		introduce relief policies at a later stage if it wished.	
Weston Town Council Weston-super-Mare Town Council 7777185/cil/14	Yes.	Support noted.	No change.
Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/13	No. It should be discretionary with each case on its merits provided that the charity concerned has a direct connection to the public's physical and mental welfare.	Objection noted. However developments by charities for the direct delivery of their charitable purposes will be subject to a mandatory exemption from CIL. Discretionary relief if permitted by the Council would apply to development by charities for investment purposes. CIL regulations require that if discretionary relief is to be permitted, then it should be based on clearly defined policies set in advance and not on a case-by-case basis.	No change at the present time, but may be introduced in the future if there is agreed need.

Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/13	The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.	Noted.	No change.
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Q14 Which developments in North Somerset do you think would potentially benefit from exceptional circumstances relief if offered?

Respondent	Comment	Councils Response	Proposed Changes
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[Deleted] Sainsbury's Supermarkets Ltd White Young Green 7801441/cil/3	<p>Discretionary Relief</p> <p>We disagree with the Council's proposed policy to not allow discretionary relief from CIL. Such a policy would allow desirable development made unviable by CIL and a s. 106 payment to be treated exceptionally. As long as relief is granted on a case by case basis where viability evidence is produced and where the policy is used consistently and transparently, it should not give rise to notifiable state aid.</p>	<p>The intention is that rates should be set at a level that is generally viable without the need for relief policies.</p> <p>A key benefit of the CIL is that it offers certainty to all parties as to the contributions that will be made; NSC is concerned that Exceptional Circumstances Relief could undermine that certainty, particularly as the area will have relatively low CIL rates.</p> <p>Having reviewed the responses, NSC does not intend to introduce Exceptional</p>	No change at the present time, but may be introduced in the future if agreed to be appropriate.
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		Circumstances relief, but may do so in the future if it is felt appropriate.	
Backwell Parish Council Backwell Parish Council 1013153/cil/13	We cannot think of any.	Noted.	No change.
Blagdon Parish Clerk 7778337/cil/14	Commercial developments in rural communities promoting business and employment.	Commercial developments are proposed to be subject to a nil CIL rate.	No change.
Bristol Airport Bristol International Airport 1051265/cil/1	We welcome the proposed 'nil rate' for CIL applying at all other qualifying development in the draft preliminary charging schedule. However development at Bristol Airport would be liable to CIL and the rate may change in the future. Bristol Airport's Section 106 Agreement with North Somerset Council dated 16 February 2011 includes a significant financial contribution to the Major Transport Schemes included on page 8 of the consultation document amounting to most, if not all of the £6m private funding commitment referred to against this item. This pre-existing S106 agreement therefore incorporates a greater	CIL regulations have been revised since the PDCS consultation so that if a variation to the planning took place, the development would only be liable insofar as it added new development area to the proposal. Most airport uses are proposed to be subject to a nil charge.	No change at the present time, but may be introduced in the future if agreed to be appropriate.

	<p>burden of S106 contributions than CIL contributions and any development that is subject to planning permission, either as a variation to this permission or pursuant to a subsidiary application within the same overall development framework, should benefit from exceptional circumstances relief to avoid double counting. Certainty of funding to support infrastructure provision is provided through the S106 Agreement financial contribution in this case. It would be a relatively straightforward process for an independent person to assess the evidence in this situation and to determine whether this would permit an exemption.</p>	<p>Having reviewed the responses, NSC does not intend to introduce Exceptional Circumstances relief, but may do so in the future if it is felt appropriate.</p> <p>The draft Regulation 123 List and Development Contributions SPD provide further guidance on how CIL and S106 will operate alongside each other.</p>	
<p>Congresbury Parish Council Congresbury Parish Council 1078849/cil/14</p>	<p>None.</p>	<p>Noted.</p>	<p>No change.</p>
<p>Flax Bourton Parish Council (M Windo) Flax Bourton Parish Council 7785537/cil/14</p>	<p>No comment at this time.</p>	<p>Noted.</p>	<p>No change.</p>
<p>Kingston Seymour Parish Council Kingston Seymour Parish</p>	<p>Any development which will bring quality employment to the area should be considered for this relief especially as it may have</p>	<p>Affordable housing is subject to a mandatory exemption from CIL.</p>	<p>No change.</p>

<p>Council 1017889/cil/15</p>	<p>already been subject to S106 requirements. Affordable housing on rural exception sites should also fall into this category.</p>	<p>Employment is proposed to be subject to a nil rate. Differential rates must be based on comparative development viability not policy objectives.</p>	
<p>Long Ashton Parish Council Long Ashton Parish Council 1014881/cil/12</p>	<p>Community owned buildings</p>	<p>Noted. Community buildings would generally be classified as 'any other qualifying development' and the CIL rate would be nil. Exceptions would be if a community owned a use that attracted a charge, e.g. retail, residential, care homes or student accommodation.</p>	<p>No change.</p>
<p>Portishead Town Council Portishead Town Council 4193569/cil/14</p>	<p>None.</p>	<p>Noted.</p>	<p>No change.</p>
<p>Somerset County Council (S Winfield) Somerset County Council 7788801/cil/14</p>	<p>We do not have any further comments to make.</p>	<p>Noted.</p>	<p>No change.</p>

<p>South West HARP Planning Consortium South West HARP Planning Consortium 6235201/cil/4</p>	<p>We consider that the qualifying requirements within the regulations for exceptional circumstances relief could be met for the Weston Villages development as the section 106 agreements to provide primary schools, roads, parks and community facilities could exceed the CIL contributions.</p>	<p>The majority of the Weston Villages developments now have planning approval in place; the draft Regulation 123 List and Development Contributions SPD provide further guidance on how CIL and S106 will operate alongside each other.</p>	<p>No change at the present time, but may be introduced in the future if agreed to be appropriate.</p>
<p>St Modwen Properties PLC - 3568545/cil/14</p>	<p>Developments at Locking Parklands and the Weston Villages could end up being subject to significant Section 106 Agreements (see also response below to question 17) in light of site specific infrastructure requirements not covered by the CIL. Whilst we appreciate that it would be unlikely going forward that a Section 106 Agreement would be signed which incorporates a greater burden of S106 contributions than CIL contributions, we would seek a degree of comfort that opportunities exist to appoint an independent person to determine if an exceptional circumstance exists.</p>	<p>The majority of the Weston Villages developments now have planning approval in place (including this development); the draft Regulation 123 List and Development Contributions SPD provide further guidance on how CIL and S106 will operate alongside each other.</p>	<p>No change at the present time, but may be introduced in the future if agreed to be appropriate.</p>
<p>Tom Leimdorfer 936033/cil/14</p>	<p>Again, this may need further consideration, but it should not provide a loophole.</p>	<p>Having reviewed the responses, NSC does not intend to introduce Exceptional Circumstances relief, but may do so in the future if it is felt appropriate.</p>	<p>No change at the present time, but may be introduced in the future if agreed to be appropriate.</p>

			future if agreed to be appropriate.
Weston Town Council Weston-super-Mare Town Council 7777185/cil/15	Yes.	Response not clear.	No change.
Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/14	Community facilities such as parish halls.	Community facilities will generally be subject to a nil rate.	No change.
Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/14	The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.	Noted.	No change.
Yatton Parish Council Yatton Parish Council 3322113/cil/7	Relief should be offered to care homes, hospitals, school and homeless shelters.	Schools and hospitals will fall into the 'any other qualifying development',	No change.

which is subject to a nil CIL rate. Homeless shelters are likely to be constructed by charities and if so are likely to be exempt as a charitable development. Comments on care homes noted in relation to question 8 of this consultation.

Q15 Do you agree with North Somerset Council's intention not to allow exceptional circumstances relief?

Respondent	Comment	Councils Response	Proposed Changes
Backwell Parish Council Backwell Parish Council 1013153/cil/14	Yes.	Support noted.	No change.
Blagdon Parish Clerk 7778337/cil/16	No – we consider that each development of this type should be considered on a case by case basis.	Relief policies must be set in advance and case-by-case assessments are not permitted.	No change.

<p>Bristol Airport Bristol International Airport 1051265/cil/2</p>	<p>No. Exceptional circumstances relief should be allowed for development which is covered by pre-existing S106 agreements which already include funding provisions for infrastructure referred to in the funding gap analysis. Variations to this development requiring a new planning permission or new development which does not allow further increases in passenger numbers at Bristol Airport should be exempt from CIL.</p>	<p>CIL regulations have been revised since the PDCS consultation so that is a variation to the planning took place, the development would only be liable insofar as it added new development area to the proposal.</p>	<p>Having reviewed the responses, NSC does not intend to introduce Exceptional Circumstances relief at the present time, but may do so in the future if it is felt appropriate.</p>
<p>Congresbury Parish Council Congresbury Parish Council 1078849/cil/15</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>
<p>Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/16</p>	<p>No, we believe a more flexible approach, that would allow employment-generating projects to come forward, must be considered.</p>	<p>Exceptional circumstances relief is only possible where the combined CIL and S106 is not affordable. Policies for exceptional relief must be set in advance and cannot be applied on a flexible basis. Commercial development is in any case proposed to be at a nil rate.</p>	<p>No change.</p>

<p>LLM 6013569/cil/3</p>	<p>This comment is relevant to questions 12-15. I didn't follow the intricacies of this section but it makes me feel uneasy not to offer discretionary charitable and exceptional circumstances relief at all. Although I do appreciate the reasons for wanting to do this.</p>	<p>Comment noted.</p>	<p>No change.</p>
<p>Mead Realisations Ltd Mead Realisations Ltd 1074881/cil/8</p>	<p>It is short-sighted of NSDC not to include discretionary relief as part of the CIL charging schedule. Whilst it is understood that NSDC wishes to maximise the certainty of funding to support infrastructure, the stalling or non-implementation of development on viability grounds will have a far greater adverse effect than achieving a discounted rate through the formal and independent examination procedure set out in the Regulations. The regulations allow for this procedure to ensure that in accordance with the Governments wider social and economic policies, new development is delivered in a timely and efficient manner.</p>	<p>Having reviewed the responses, NSC does not intend to introduce Exceptional Circumstances relief at the present time, but may do so in the future if it is felt appropriate.</p>	<p>No change at the present time, but may be introduced in the future if agreed to be appropriate.</p>
<p>Portishead Town Council Portishead Town Council 4193569/cil/15</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>

<p>Somerset County Council (S Winfield) Somerset County Council 7788801/cil/15</p>	<p>We do not have any further comments to make.</p>	<p>Noted.</p>	<p>No change.</p>
<p>South West HARP Planning Consortium South West HARP Planning Consortium 6235201/cil/5</p>	<p>We do not agree with the Council's intention to not allow exceptional circumstances relief. Including an exceptional circumstances policy allows some flexibility for the Council to ensure housing remains deliverable on a few specific sites, particularly in the current depressed market. Exceptional circumstances policy will only be applicable in a very small number of cases where the cost of items in a section 106 agreement are greater than CIL and where the exemption from CIL would not constitute State Aid. We consider that within the short and medium term allowing exceptions would assist the delivery of affordable housing in North Somerset and we therefore do not agree with the Council's intention not to allow relief.</p>	<p>Having reviewed the responses, NSC does not intend to introduce Exceptional Circumstances relief at the present time, but may do so in the future if it is felt appropriate.</p>	<p>No change at the present time, but may be introduced in the future if agreed to be appropriate.</p>
<p>St Modwen Properties PLC - 3568545/cil/15</p>	<p>No, at this stage we would seek confirmation from the Council that the implications for the Weston Villages have been fully explored.</p>	<p>5,150 of the 6,500 Weston Villages developments now have planning approval in place; the draft Regulation 123 List and Development Contributions SPD provide further guidance on how</p>	<p>No change at the present time, but may be introduced in the future if agreed to be appropriate.</p>

		<p>CIL and S106 will operate alongside each other.</p> <p>Having reviewed the responses, NSC does not intend to introduce Exceptional Circumstances relief at the present time, but may do so in the future if it is felt appropriate.</p>	
<p>Tom Leimdorfer</p> <p>936033/cil/15</p>	<p>Again, this may need further consideration, but it should not provide a loophole.</p>	<p>Having reviewed the responses, NSC does not intend to introduce Exceptional Circumstances relief at the present time, but may do so in the future if it is felt appropriate.</p>	<p>No change at the present time, but may be introduced in the future if agreed to be appropriate.</p>
<p>Weston Town Council</p> <p>Weston-super-Mare Town Council</p> <p>7777185/cil/16</p>	<p>The Town Council supports the proposals in general. However the Town Council would like to see specific inclusion in the table of items fundable through CIL of the community items as follows:</p> <p>Transport - <u>Bus shelters</u></p> <p>Community Facilities (Built) – <u>Public Conveniences</u>, Improvements to existing community <u>Arts and Sports Facilities</u> (in addition to “Sports”)</p>	<p>Believed that these comments should instead relate to question 17?</p> <p>S106 agreements will be required to continue alongside CIL, in particular where a developer is providing infrastructure through works-in-kind. Some of the items above fall into this category.</p>	<p>Publication of draft Regulation 123 List.</p>

	<p>Community Facilities (outdoor) – <u>Allotments, Adult fitness equipment</u></p> <p>Comment</p> <p>The Town Council questions the continuing need for s.106 agreements and whether more items in the table (Q15 above) could not be moved from s.106 agreements to CIL.</p>	<p>A draft Regulation 123 List will be published as part of the Draft Charging Schedule consultation setting out what is expected to be funded through CIL and what through S106.</p> <p>The Town Council will be able to spend its own share of CIL on these items, provided that they are compliant with the CIL regulations.</p>	
<p>Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/15</p>	<p>No. Community facilities such as parish halls.</p>	<p>Objection noted, but community facilities are generally proposed to pay a nil rate.</p>	<p>No change.</p>
<p>Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/15</p>	<p>The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.</p>	<p>Noted.</p>	<p>No change.</p>

Q16 Do you agree with North Somerset's proposal not to allow additional phasing of payments?

Respondent	Comment	Councils Response	Proposed Changes
<p>[Deleted] Sainsbury's Supermarkets Ltd White Young Green 7801441/cil/4</p>	<p>Instalments</p> <p>We disagree with the Council's proposed policy to not allow payment by instalment. An instalments policy could bring about desirable development more readily by easing cashflow, and could even make otherwise unviable developments viable.</p>	<p>NSC is sympathetic to cashflow issues; however rates have been proposed to be within viability and the impact on developers needs to be balanced against the community's need for infrastructure.</p> <p>This policy will be kept under review but at the current time it is proposed to continue with a position whereby no additional phasing of payments is introduced.</p>	<p>No change at the present time, but may be introduced in the future if agreed to be appropriate.</p>
<p>[Deleted] The Planning Bureau Ltd The Planning Bureau Ltd 7689825/cil/1</p>	<p>It is noted that there is some consideration given to the timing of CIL payments and an allowance for payment by instalments. My Client would welcome further flexibility in the timing of CIL as payments on commencement will introduce an additional financial cost on the development prior to the receipt of any revenue from the proposed development. This would place an additional burden on the developer and would affect the viability of the development, and possibly in the case of residential development impinge upon the developer's ability to provide for affordable housing. This issue is compounded in my Client's case, and for other retirement housing</p>	<p>It is NSC's understanding that phasing must be based on time-based triggers rather than relating to occupation. We are not aware of any authorities with phasing policies stretching over more than 24 months.</p> <p>NSC is sympathetic to cashflow issues; however rates have been proposed to be within viability and the impact on</p>	<p>No change at the present time, but may be introduced in the future if agreed to be appropriate.</p>

providers, as developments need to be completed in their entirety before a single unit of accommodation can be sold. It is considered that at the earliest, part payment on first occupation would be fairer and would reduce unnecessary financial costs to the developer. This should then be phased depending upon occupation levels. For the foreseeable economic climate, such as currently being experienced, there is considerable merit in staged payments reflecting occupation levels throughout the sale of the development. Such an approach would encourage the delivery of many worthwhile development proposals that might otherwise not commence.


There will also be a need to identify priorities in many instances between CIL and affordable housing for example where viability is marginal. The CIL becomes a very significant element of development costs which can greatly influence the amount of contribution reasonably available for affordable housing. How are the competing planning policy requirements to be weighted? For example the benefits of providing accommodation for the increasingly ageing population and affordable housing verses the CIL. The exception clause and relaxation options on CIL need to be spelt out or at the very least the process by which it will be judged.

developers needs to be balanced against the community's need for infrastructure.

This policy will be kept under review but at the current time it is proposed to continue with a position whereby no additional phasing of payments is introduced.

In terms of the weight given to CIL and affordable housing, the viability assessments underpinning the proposed rates include the costs of compliance with policy objectives including affordable housing. Once the CIL is set there is no scope for modifying the rates other than through a full review.

<p>Backwell Parish Council Backwell Parish Council 1013153/cil/15</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>
<p>Blagdon Parish Clerk 7778337/cil/15</p>	<p>No.</p>	<p>Objection noted, but no reasons given.</p>	<p>NSC to consider.</p>
<p>CLA (Country Land & Business Association) CLA (Country Land & Business Association) 7442625/cil/5</p>	<p><u>Other rural dwellings</u></p> <p>Some CLA members decide to build houses to keep within their long term ownership to diversify their income through a residential portfolio of properties. There are no capital receipts from which to fund a CIL charge, rather the CIL charge would have to be met from existing revenues, which the land manager is trying to improve by diversifying to obtain an alternative rental income system. Such development is already likely to have to include an element of affordable housing not charging CIL or exempting it if affordable housing payment has been included. Or development might include affordable houses in the development</p> <p>In this instance, we suggest the planning authority should be more flexible in their approach for the payment of CIL. Such development may already include an affordable housing element. Flexible arrangements may include not charging the CIL until a rental income is received, payments by</p>	<p>It is NSC's understanding that phasing policies must be based on periods of time and cannot be based on occupation rates. Affordable housing is exempt from CIL but in mixed-tenure developments the open market housing would not normally be exempt unless subject to an exceptional circumstances policy.</p>	<p>No change at the present time, but may be introduced in the future if agreed to be appropriate.</p>

	instalments or exempting the development from CIL charging if affordable housing has been included as part of the development.		
Congresbury Parish Council Congresbury Parish Council 1078849/cil/16	Yes.	Support noted.	No change.
House Builder Consortium Group (Savills) Savills 7800289/cil/6	See attached  House Builder Consortium Group (186 KB)	Please see consideration of response from Savills available in Appendix E to the Executive report from 21st June 2016 .	Please see consideration of response from Savills available in Appendix E to the Executive report from 21st June 2016 .
Kingston Seymour Parish Council Kingston Seymour Parish Council 1017889/cil/17	Surely this should be determined on a project by project basis and not have a single arbitrary solution.	CIL policies cannot be varied on a case-by-case basis.	No change.

<p>LLM 6013569/cil/4</p>	<p>This seems reasonable to me as there is already some flexibility in the system and the substantial amount of additional administrative work that would be required is too costly.</p>	<p>Support noted.</p>	<p>No change.</p>
<p>Mead Realisations Ltd Mead Realisations Ltd 1074881/cil/9</p>	<p>Mead Realisations Ltd support the phasing of payments where they relate to reserved matters of an outline planning permission for a large scheme. However, as with discretionary relief, it is short sighted of NSDC not to include any provision for phased payments even for large sites where the viability of a particular development phase may change over the lifetime of the build process.</p> <p>It would be more appropriate for NSDC to rely on independent testing and examination of viability and if necessary accept a lower CIL payment than see development stall.</p>	<p>A key benefit of CIL is certainty for all parties. Downwards adjustments would not be in line with this principle (although may happen if there is a wholesale review of rates at a time of worsening viability).</p>	<p>No change at the present time, but may be introduced in the future if agreed to be appropriate.</p>
<p>Palmer Street and Hopkins Streel Residents Palmer Row and Hopkins Stree Residents 6642945/cil/5</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>

<p>Portishead Town Council Portishead Town Council 4193569/cil/16</p>	<p>No.</p>	<p>Objection noted, but no reasons given.</p>	<p>NSC to consider.</p>
<p>Somerset County Council (S Winfield) Somerset County Council 7788801/cil/16</p>	<p>We do not have any further comments to make.</p>	<p>Noted.</p>	<p>No change.</p>
<p>South West HARP Planning Consortium South West HARP Planning Consortium 6235201/cil/6</p>	<p>We note that the Council's SHLAA shows that the majority of new development will come forward to in large-scale phased developments, such as at the Weston Villages. However, we consider that a significant minority of developments will be delivered on smaller schemes, particularly in the Weston Urban area and on the settlement boundaries of the villages. For this reason we consider that the Councils should allow phased payments to support the viability of smaller schemes, particularly within the next 5 years. We suggest that the Council collects instalments in thirds with final payment relating to the occupation of the development.</p>	<p>NSC's understanding is that instalment policies can be based on time-related triggers only, not on occupation levels.</p> <p>NSC is sympathetic to cashflow issues; however rates have been proposed to be within viability and the impact on developers needs to be balanced against the community's need for infrastructure.</p> <p>This policy will be kept under review but at the current time it is proposed to continue with a position whereby no additional phasing of payments is introduced.</p>	<p>No change at the present time, but may be introduced in the future if agreed to be appropriate.</p>

<p>St Modwen Properties PLC - 3568545/cil/16</p>	<p>We understand that without additional phasing of payments the CIL will be triggered on sites such as Locking Parklands as and when reserved matters applications come forward pursuant to a main outline consent. However, we seek clarification in respect of the relationship between CIL payments and major Section 106 contributions. For example, a single reserved matters phase could trigger the requirement for a major piece of Section 106 infrastructure such as a school or link road section in addition to the CIL payment. The timing of these requirements and impacts on viability will therefore be key to deliverability.</p> <p>Therefore at this stage we have concerns with regards to the impact on viability of the major development proposals such as Locking Parklands, and therefore disagree with the proposal not to allow additional phasing of payments. As the CIL rate cannot be challenged on viability grounds by developers once adopted, we would recommend that a phased approach may provide the flexibility required to unlock key sites.</p>	<p>It is NSC's understanding that phasing must be based on time-based triggers rather than relating to occupation. We are not aware of any authorities with phasing policies stretching over more than 24 months; most sites will not trigger significant S106 requirements (such as a school) within such a period.</p> <p>Phasing policies must be set in advance and cannot be adjusted on a case-by-case basis; this makes it difficult to allow for individual site S106 arrangements. Most non-consented development proposed in the Site Allocations Plan is now on small sites that are less likely to be subject to significant S106 requirements.</p> <p>NSC is sympathetic to cashflow issues; however rates have been proposed to be within viability and the impact on developers needs to be balanced against the community's need for infrastructure.</p> <p>This policy will be kept under review but at the current time it is proposed to continue with a position whereby no additional phasing of payments is introduced.</p>	<p>No change at the present time, but may be introduced in the future if agreed to be appropriate.</p>
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Tom Leimdorfer 936033/cil/16	Yes.	Support noted.	No change.
Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/16	Yes.	Support noted.	No change.
Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/16	The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.	Noted.	No change.

Q17 Do you agree that this table sets out an appropriate split between CIL and Section 106 funded infrastructure? Are there any changes you would propose?

Respondent

Comment

Councils Response

Proposed
Changes

<p>[Deleted] Highways Agency (A Roberts) Highways Agency 5541377/cil/1</p>	<p>The Highways Agency is principally interested in the transport aspects of the proposed Charging Schedule. In this respect the Agency is, at a strategic level, most interested in ensuring that North Somerset's proposed strategic transport mitigation measures are implemented. These transport schemes enabled the Highways Agency to support the growth proposed, particularly at Weston-super-Mare, in the Core Strategy.</p> <p>It is noted that in Table 2.b.(i) on page 8 that there is no funding gap for the package of transport measures contained within the Weston Package and the Junction 21 Outbound Improvement Scheme. It is presumed that for these two schemes that funding has been secured to deliver them and no CIL contributions are required. The fact that funding has been secured to deliver these schemes is encouraging and the Highways Agency has been proactively engaged with North Somerset into order to deliver these important schemes.</p> <p>However, the Proposed Preliminary Charging Schedule does cause a degree of uncertainty about the mechanism for delivery of one of the schemes, and on which the Agency would appreciate clarification. This stems from the table in Section 5.3 on page 17 which suggests that CIL might be used to assist the delivery of M5 J21 Outbound improvements. This appears to contradict the table on page 8 which suggests that CIL is not required. Does this mean that CIL is potentially required to deliver both the M5 J21 outbound and the Weston Package Schemes?</p> <p>The Agency is of the view that the Weston Package scheme is required to mitigate the impacts of growth on this part of the Strategic Road Network and whilst supportive of CIL, we were</p>	<p>The Weston Package is fully funded and is not reliant on CIL (the IDP was prepared in 2011 prior to confirmation of government funding).</p> <p>The two tables referred to serve different purposes - the first to illustrate the funding gap; the second an indication of the types of schemes that could be funded through CIL as opposed to S106. It is possible that additional improvements to J21 could come forward in the future that could be funded through CIL.</p> <p>The draft Regulation 123 List to be consulted on through the DCS process includes provision for 'near-site' transport mitigation through S106.</p>	<p>Updated Infrastructure Delivery Plan and draft Regulation 123 List published as part of DCS consultation. To include provision for 'near-site' transport mitigation through S106.</p>
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	<p>more comforted by the greater degree of certainty that funds had already been identified to deliver these schemes.</p> <p>The status of funding for the strategic transport scheme is not clear as the IDP suggests that DfT funding is unconfirmed, and the Draft Charging Schedule indicates that DfT funding is secured, which I think is the position.</p> <p>The Agency supports the proposed split on what CIL will be used for in relation to transport infrastructure, as set out in the table in Section 5.3. The Agency suggests that the wording used after the table on page 8 "off site works related to specific sites" could be repeated in the 'split' table in section 5.3. The Agency considers that it may be possible that individual schemes may still be required to provide off site transport mitigation for impacts on the Strategic Road Network where they are related to the impact of a specific development which is not met through strategic transport schemes.</p>		
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<p>[Deleted] NHS North Somerset NHS North Somerset 3347041/cil/1</p>	<p>NHS North Somerset supports the introduction of the Community Infrastructure Levy in the district however we would highlight a number of points in the consultation documents where we think clarification would be beneficial.</p> <p>The infrastructure delivery schedule ED/12a highlights a need for land and buildings and the source of funds for the construction</p>	<p>Comments noted.</p> <p>Health provision at the Weston Villages sites includes a new GP surgery.</p> <p>It is felt unlikely that many new dwellings will be built as Houses of</p>	<p>Definition for residential charging to be amended to include C4 use class.</p>
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has a question mark against it. It has always been our position that facilities should be delivered to mitigate the effects of development not just the sites. In previous correspondence with the Local Planning Authority we have stated,

"It is anticipated that capital contributions will take the form of provision of land, buildings or funding or improvements to existing nearby facilities."

We remain of the view that a complete facility is required rather than a bare site.

The differential charging proposals in Zones A, B and C are noted and are clearly intended to direct development to Weston super Mare where there is already pressure on primary health care facilities. We recognise the reasons for these proposals however

the adoption of this charging schedule will make the provision of a health centre in the Weston Villages area more important due to the pressures put on existing infrastructure by development in Zone A.

In our response to the Development Contributions SPD Consultation Draft – November 2010 we stated

"For the purposes of this SPD, Residential Development encompasses all uses within Use Classes C3 (Dwelling Houses) and C4 and most uses in Use Class C2 where the inhabitants would benefit from health care provision."

Multiple Occupation (HMO), other than those such as care homes, but agreed that these should be added to the classification of residential dwellings.

Hospitals are subject to zero CIL.

	<p>Our view is that increased population drives the demand for healthcare and the need for facilities to support those services. Therefore we recommend class C4 is included in the charging schedule as the inhabitants of these developments will require health care and as such should be considered in the same way as C3 Dwelling House.</p> <p>Obviously hospitals should not contribute as they are themselves community infrastructure therefore, for clarification, we recommend that the charging schedule be reworded to,</p> <p>"Care homes and nursing homes for the provision of residential accommodation and care to people in need of care which fall within the use class C2."</p>		
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<p>[Deleted] Woodland Trust Woodland Trust 7754817/cil/1</p>	<p>We are pleased to see the reference to 'open space' being an eligible item for spending CIL. However we would like to see specific reference to this including green infrastructure assets like woods and trees.</p> <ul style="list-style-type: none"> • The National Policy Planning Framework clearly states: <i>'Local planning authorities should:</i> <p><i>set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and</i></p>	<p>Agreed that woodland and trees are an important aspect of infrastructure. These are incorporated within references to green infrastructure. Listing every type of green infrastructure would lead to a lengthy schedule and would run the risk of missing out some types.</p>	<p>Updated Infrastructure Delivery Plan and draft Regulation 123 List to be consulted on through DCS process.</p>
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management of networks of biodiversity and green infrastructure (DCLG, March 2012, para 114).

- The Government's **Independent Panel on Forestry** states: Recommendation: '*Planning policy and practice should:....*

Encourage local authorities to look creatively, and across boundaries, at the use of S106 agreements, biodiversity off-sets and particularly the Community Infrastructure Levy. These levers could produce greenspace schemes, including trees and woodland, that make a significant difference to the landscape as a whole'. Defra, Final Report, July 2012).

- The Woodland Trust believes that woodland creation is especially important for green infrastructure because of the unique ability of woodland to deliver across a wide range of ecosystem services benefits – see our publication **Woodland Creation – why it matters** (<http://www.woodlandtrust.org.uk/en/about-us/publications/Pages/ours.aspx>). These include for both landscape and biodiversity (helping habitats become more robust to adapt to climate change, buffering and extending fragmented ancient woodland), for quality of life and climate change (amenity & recreation, public health, flood amelioration, urban cooling) and for the local economy (timber and woodfuel markets).

- The new **England Biodiversity Strategy** makes it clear that expansion of priority habitats like native woodland remains a key

aim – ‘Priority action: Bring a greater proportion of our existing woodlands into sustainable management and expand the area of woodland in England’ (Biodiversity 2020: A strategy for England’s wildlife and ecosystems services, DEFRA 2011, p.26).

· In a letter to all Local Authorities calling for support for the Government’s National Tree Planting Campaign (‘**The Big Tree Plant**’), the previous **Environment Minister Caroline Spelman** extolled the Government’s view of the many virtues of trees: *‘Trees offer so many benefits to our citizens. They capture carbon and hold soils together, prevent flooding and help control our climate. They also add immeasurably to our quality of life by making areas more attractive and healthier places to live. In recent years the number of trees being planted annually across the country has declined, and could decrease further, unless action is taken to reverse this trend’* (letter to all Local Authorities, 12th November 2010).

· An important publication from the Forestry Commission, ***The Case for Trees in development and the urban environment***(Forestry Commission, July 2010), sets out *‘The multiple value of trees for people and places – increasing greenspace and tree numbers is likely to remain one of the most effective tools for making urban areas more convivial’*, and lists (on p.10) the benefits as –

- Climate change contributions
- Environment advantages
- Economic dividends
- Social benefits.

We would therefore like to see this Preliminary Draft Charging Schedule for CIL clearly include green infrastructure - specifically including woods and trees- in the types of infrastructure eligible for CIL.

Woodland Trust

Backwell Parish Council
Backwell Parish Council
1013153/cil/16

Yes - but we feel strongly that a proportion should be handed to the local Parish or Town Council where the development is intended.

Town & Parish Councils will receive 15% of CIL income from development in their area (up to a maximum of £100 per council tax dwelling) or 25% (uncapped) if they have an adopted

No change.

		Neighbourhood Plan. These proportions are set nationally.	
Banwell Parish Council Banwell Parish Council 3984769/cil/1	<p>The Council notes that the governance and prioritisation of CIL expenditure is tied to the Core Strategy Infrastructure Development Plan and will be allocated in consultation with other infrastructure providers. There is concern that the money received will go into one central pot and will not necessarily be used for infrastructure improvements arising from the developments in question. It was suggested that there needs to be a ring-fenced amount for each development which is used on the local infrastructure requirements. This should be particularly so for developments that are not in the Core Strategy and which could potentially result in infrastructure needs not accounted for.</p> <p>It was also felt that as much as possible should be passed to local communities to meet the needs arising from the impact of new development and in this regard it was suggested that there may be an opportunity to allocate funds for schemes such as the Banwell bypass.</p> <p>A regular report detailing where monies have come from and where they are to be allocated would be useful for parishes.</p>	<p>Town & Parish Councils will receive 15% of CIL income from development in their area or 25% if they have an adopted Neighbourhood Plan. These proportions are set nationally.</p> <p>The Banwell bypass is one of the strategic transport schemes that could potentially be funded through CIL.</p> <p>CIL expenditure will be reported annually in line with national requirements.</p>	No change.

<p>Blagdon Parish Clerk</p> <p>7778337/cil/17</p>	<p>Yes.</p>	<p>Support noted.</p>	<p>No change.</p>
<p>CLA (Country Land & Business Association) CLA (Country Land & Business Association) 7442625/cil/6</p>	<p><u>Neighbourhood Funds</u></p> <p>The recent government consultation on further changes to the CIL regulations will allow a “meaningful proportion” of the CIL funds raised in a parished area to be returned to that area for the parish council to spend on existing or new infrastructure on which new development may impact. The CLA would object to any aspirational or generic implementation plans prepared by the charging authorities which are not underpinned by robust evidence and associated viability assessments. We strongly urge the charging authority to put in place implementation plans that provide a very clear list of infrastructure needs, by parish or neighbourhood forum, that will be delivered during the period of the CIL implementation plan.</p> <p><u>Local Infrastructure List and Planning Agreements (s106 agreements)</u></p> <p>Section 106 agreements or planning obligations will in all likelihood be reshaped once local authorities have clear policy justification, in their local plans and/or supplementary planning documents, for site specific mitigation and types of non-CIL contributions.</p>	<p>Regulations setting how local areas may spend their meaningful proportion of the CIL are set nationally and are not within NSC's powers to dictate.</p> <p>NSC will comply with government regulations restricting the expenditure of S106 and CIL on the same infrastructure.</p>	<p>No change.</p>

	<p>Once CIL is adopted, planning obligations must not be a “reason for approval” where they concern matters that are already published on the charging authority’s infrastructure list. Nor, after 6 April 2014, are planning obligations a “reason for approval if the local authority seeks to pool more than five CIL-defined obligations.</p> <p>The CLA will monitor local planning agreements/obligations policy carefully to ensure that CLA members are not required to make two payments – one CIL-related and a second one under a planning obligation agreement.</p>		
<p>Congresbury Parish Council Congresbury Parish Council 1078849/cil/17</p>	<p>This Parish Council notes the outcome of the consultation on page 16 item 2, para 2, has not been published. However, the Parish Council wishes to comment in respect of this consultation in that it believes a share of the Community Infrastructure Levy (CIL) and/or Section 106 charge should be made available to the local Town or Parish Council in which the development takes place for the Town and/or Parish Council to use at its discretion on community facilities required as a result of the development.</p>	<p>Town & Parish Councils will receive 15% of CIL income from development in their area or 25% if they have an adopted Neighbourhood Plan. These proportions are set nationally.</p>	<p>No change.</p>

<p>Environment Agency Environment Agency 1020673/cil/1</p>	<p>The Environment Agency has no comments to make in respect of the specific questions raised in the consultation document.</p> <p>It is noted that the IDP Schedule (Outside Weston and Weston Villages) makes reference to the requirement for flood risk mitigation infrastructure (on or off-site infrastructure works) and the associated costs, to be assessed on a case by case basis, and provided, where necessary, through developer contributions. Other than a brief reference to 'Other flood defence schemes' under Section 5 (3) - 'The relationship between CIL and Section 106 agreements' there does not appear to be any specific detail regarding this issue.</p> <p>Notwithstanding the fact that Section 5 (3) indicates that funding for flood defence schemes outside Weston and the Weston Villages ('Other flood defence schemes') will be secured through CIL contributions, we would welcome clarification regarding your Council's approach to determining the means of funding, in terms of Section 106 or CIL contributions, and the potential for partnership funding initiatives. We would also welcome confirmation that adequate provision has been made in respect of the proposed CIL charging rate for other flood defence schemes (if applicable) in addition to the Weston Strategic Flood Solution.</p>	<p>The IDP is a high-level document; further detail can be provided on request, however it is not possible to confirm funding for all schemes in advance over a 10 - 15 year period.</p> <p>Reference is made to other flood defence schemes outside of Weston both in the IDP and the draft S106/CIL list. The 2016 IDP update includes additional specific schemes outside of Weston.</p>	<p>Updated IDP and draft Regulation 123 list to be consulted on through DCS process.</p>
<p>Kingston Seymour Parish Council Kingston Seymour Parish</p>	<p>We can see no problems with the split between CIL and Section 106. However, we cannot understand why the proposed schemes,</p>	<p>The schedule published through the PDCS included two CIL categories in</p>	<p>Publication of updated IDP and draft</p>

<p>Council 1017889/cil/18</p>	<p>such as flood defences, are all related to Weston and none to other equally vulnerable coastal areas within North Somerset? It appears that the majority of CIL projects are targeted at Weston and very few will benefit the surrounding areas where there is an equal need. We propose that this is re-considered.</p>	<p>relation to flood defences - the Weston Strategic Flood Solution which is a specific costed and deliverable proposal, and 'other flood defence schemes' which is a generic term for all other proposals which could include future schemes affecting Kingston Seymour.</p> <p>The 2016 updated IDP includes an additional flood defence / drainage scheme(s) outside of Weston.</p>	<p>Regulation 123 list for consultation through DCS process.</p>
<p>Locking Parish Council Locking Parish Council 2627617/cil/1</p>	<p>Further to a meeting of my Council held on Thursday 8th November 2012, please be advised that I have been asked to write to you with regard to requesting money from the Community funding Levy or alternatively from Locking Parkland's Phase 2 S106 monies for the drainage and resurfacing of the Park & Stride car park located at the Playing Fields, Old Banwell Road, Locking. This is due to the proposed (by NS) increase in people driving to and using Locking Primary School during and after their expansion.</p> <p>The overall costs of these works would need to be investigated and drawn up by NS.</p>	<p>This is a site-specific request which will be assessed separately from this consultation.</p>	<p>No change.</p>

<p>Long Ashton Parish Council Long Ashton Parish Council 1014881/cil/13</p>	<p>It is suggested that the proportion of the CIL that is to be retained by the local community where development is taking place should not be less than 30%.</p>	<p>The proportion of CIL to be retained by the local community is determined in accordance with government guidance. This is 15% (up to a maximum of £100 per council tax dwelling) or 25% (uncapped) in areas that have an adopted Neighbourhood Plan.</p>	<p>No change.</p>
<p>Mead Realisations Ltd Mead Realisations Ltd 1074881/cil/2</p>	<p>It is noted that up to 5% of the CIL could be used for administration purposes. Given the significant finances involved in CIL, 5% could be as high as £7.45m based on total contributions of £149m (set out in the preliminary draft schedule). A greater degree of clarity is required to explain why such a large sum is necessary for administration purposes?</p>	<p>The £149m referred to is a funding gap which will be met from a number of sources, not just CIL. CIL will provide perhaps 10% of the funding required, therefore the administrative funds will be similarly reduced.</p>	<p>NSC to provide further clarification on expected income and spending proposals.</p>
<p>Mead Realisations Ltd Mead Realisations Ltd 1074881/cil/10</p>	<p>The whole basis for CIL is to establish the strategic needs of an area through a Strategic Infrastructure Delivery Plan, quantify the costs and set a viable charging regime based upon this. It should not be the remit to then use the monies elsewhere, as this would bring into question the evidence base underpinning the charging schedule.</p>	<p>The Infrastructure Delivery Plan is part of the evidence base for the recently adopted Core Strategy and it is not intended that it should be re-opened through the CIL process. The funding gap illustrated in the IDP will only partially be addressed through CIL and there therefore needs to be some</p>	<p>Publication of updated IDP and draft Regulation 123 List to be consulted on through DCS process.</p>

As set out earlier, it is of concern that the Infrastructure Delivery Plan is limited in the extent of information and published evidence to support the costs now being taken forward through CIL.

Mead Realisations Ltd does however support the need to prioritise some infrastructure projects and in consultation with its other partners, the priority should focus on enabling the two strategic developments at Parklands and Winterstoke villages.

The intention to take the maximum 5% administration fee has been questioned earlier. Given that the majority of development is strategic and owned/ operated by a small number of organisations and agencies, the need to charge 5% is questioned. There is no published evidence to suggest that administration will cost £7.45m? Is the Council intending to prepare a budget plan based upon this to explain the expenditure?

The Relationship Between CIL and Section 106 Agreements

The relationship between CIL and S106 is of paramount importance to the delivery of development. Whilst viability of CIL has been broadly tested (albeit with some reservations from Mead Realisations Ltd), the relationship with S106 contributions still needs to achieve the same viable result for development to proceed. The Council should recognise the need to retain flexibility through the S106 process to ensure viability can be achieved.

Some concern is expressed with regard to the ambiguity of the Table set out on pages 17-19 of the Primary draft charging

flexibility between projects to allow a sensible prioritisation and phasing of expenditure. If the CIL were set at a level to address the gap it would be much higher, but the Council is also required to take development viability into account. The 5% available for administration is a maximum and will be very significantly less than that identified by the respondent.

The comments on the relationship between S106 and CIL are noted. The updated IDP and draft Regulation 123 list, along with the recently adopted Development Contributions SPD seek to provide further clarification on funding sources and in particular the relationship between CIL and S106.

schedule. For example it splits early and later phases of the strategic flood risk solution but gives no indication as to what that means? Furthermore, an arbitrary split is presented between synthetic sports pitch provision and other sports pitch provision? Again, it is questioned, why on large developments community halls are provided through the S106 process and for other developments they are provided through CIL? This would suggest that large developments will pay for this type of facility through CIL and also through S106 as there is no discounting mechanism for CIL.

A further mismatch arises when the table on pages 17-19 are compared with the IDP requirements set out on pages 8-10 of the Primary draft charging schedule. The Council appears to be basing the CIL on the requirements of key strategic projects, but is then listing a wider range of non-strategic projects where CIL might be spent. This brings into question the basis upon which CIL has been derived from the IDP or something else? It is suggested that a clearer distinction is drawn between CIL/ IDP needs and other S106 requirements.

Further questions are raised about how some of the strategic highway infrastructure is being apportioned to either CIL or S106 and there appears to be a mismatch again when the two sets of tables are compared. This can only lead to a confused position with regard to S106 negotiations and a protracted process of agreement.

Conclusion

	<p>Mead Realisations Ltd welcomes the opportunity to be consulted in relation to the preliminary draft CIL charging schedule. As it is currently presented, the CIL is somewhat confused and there is concern that any S106 negotiations which will sit alongside it could be protracted by this, thus delaying development.</p> <p>The CIL should have a much closer relationship with IDP schemes and not be so wide ranging as to cause contributions to be sought twice through CIL and S106. CIL offers little flexibility and to remove the only relief provisions which may help delivery in the future is short sighted as they offer a good level of control and independent examination.</p>		
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<p>Network Rail (B Morgan) Network Rail 4201985/cil/1</p>	<p>The North Somerset Community Infrastructure Levy draft charging schedule should set a strategic context requiring developer contributions towards rail infrastructure where growth areas or significant housing allocations are identified close to existing rail infrastructure.</p> <p>Many stations and routes are already operating close to capacity and a significant increase in patronage may create the need for upgrades to the existing infrastructure including improved signalling, passing loops, car parking, improved access arrangements or platform extensions.</p>	<p>The PDCS list and draft Regulation 123 list both include reference to strategic transport schemes, which could include rail schemes. The IDP identifies the Metrowest project as a specific example.</p> <p>Most rail-based development will be exempt from CIL or subject to nil CIL rates.</p> <p>Other comments are noted.</p>	<p>Updated IDP and draft Regulation 123 List to be consulted on through PDCS process.</p>
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As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions to fund such improvements.

Specifically, we request that a Policy is included within the document which requires developers to fund any qualitative improvements required in relation to existing facilities and infrastructure as a direct result of increased patronage resulting from new development.

The likely impact and level of improvements required will be specific to each station and each development meaning standard charges and formulae may not be appropriate. Therefore in order to fully assess the potential impacts, and the level of developer contribution required, it is essential that where a Transport Assessment is submitted in support of a planning application that this quantifies in detail the likely impact on the rail network.

To ensure that developer contributions can deliver appropriate improvements to the rail network we would recommend that Developer Contributions should include provisions for rail and should include the following:

- Network rail believes that developments on the railway infrastructure should be exempt from CIL or that its development should at least be classified as payments in-kind.
- We would encourage the railways to be included on the Regulation 123 list of the types of infrastructure projects that will be funded through CIL.

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- Network Rail would like to seek a clear definition of buildings in the draft charging schedule. Railway stations are open-ended gateways to railway infrastructure and should not be treated as buildings. Likewise lineside infrastructure used to operate the railway (such as sheds, depot buildings etc) should be classed as railway infrastructure and not treated as buildings for the purposes of the charging schedule.
 - Network Rail would like confirmation that its developments over 100sqm undertaken using our Permitted Development Rights will not be CIL chargeable.
 - We consider that imposing a charge on one infrastructure project to pay for another in an inefficient way of securing funding.
 - A requirement for development contributions to deliver improvements to the rail network where appropriate.
 - A requirement for Transport Assessments to take cognisance of impacts to existing rail infrastructure to allow any necessary developer contributions towards rail to be calculated.
 - A commitment to consult Network Rail where development may impact on the rail network and may require rail infrastructure improvements. In order to be reasonable these improvements would be restricted to a local level and would be necessary to make the development acceptable. We would not seek contributions towards major enhancement projects which are already programmed as part of Network Rail's remit.

Notwithstanding the above, I enclose a link to Network Rail's website:
[http://www.networkrail.co.uk/
browseDirectory.aspx?dir=\RUS%20Documents&pageid=2895&root=](http://www.networkrail.co.uk/browseDirectory.aspx?dir=\RUS%20Documents&pageid=2895&root=)

	<p>This link provides access to Network Rail's Great Western Route Utilisation Strategy (March 2010) of which sets out the strategic vision for the future of the railway in this vital part of the railway network. It is hoped that this will be of use to the Council to keep you up to date with future aspirations for railway development in North Somerset.</p>		
<p>Palmer Street and Hopkins Stree Residents Palmer Row and Hopkins Stree Residents 6642945/cil/6</p>	<p>Seems reasonable.</p>	<p>Support noted.</p>	<p>No change.</p>
<p>Portishead Town Council Portishead Town Council 4193569/cil/17</p>	<p>Items mentioned specific to Portishead:</p> <ul style="list-style-type: none"> Ø Coast Path between WSM & Portishead Ø Improvements to access at Somerset Hall Ø Provision of changing facilities to support the grass pitches 	<p>Noted. A proportion of the CIL will be retained by the community in which it was raised. Government has announced</p>	<p>No change.</p>

	<p>at Clapton Lane</p> <ul style="list-style-type: none"> Ø M5 J19 improvements Ø Portishead Rail Ø High Street to Gordano School, Portishead – contraflow and cycle route Ø 11,000 sq. m retail floor space between Clevedon, Nailsea & Portishead Ø 3,079 jobs focused at Nailsea, Clevedon & Portishead <p>Answer: Portishead Town Council would wish to be involved in detailed discussions on all community infrastructure projects.</p>	that this will be 15%, or 25% for areas with an adopted Neighbourhood Plan.	
<p>ranger</p> <p>7756257/cil/2</p>	<p>The government clearly expects that a "meaningful proportion" of the CIL should be passed to the local parish council where one exists, and we would expect North Somerset to adhere to this proposal.</p>	<p>The proportion of CIL to be retained by the local community is determined in accordance with government guidance. This is 15% (up to a maximum of £100 per council tax dwelling) or 25% (uncapped) in areas that have an adopted Neighbourhood Plan.</p>	<p>No change.</p>
<p>Somerset County Council (S Winfield)</p> <p>Somerset County Council</p> <p>7788801/cil/17</p>	<p>We do not have any further comments to make.</p>	<p>Noted.</p>	<p>No change.</p>

St Modwen Properties PLC

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3568545/cil/17

We note that the Council's latest Infrastructure Delivery Schedule provides a detailed breakdown as of 30 September 2011 of the requirements within Weston and the Weston Villages. The scope of infrastructure split between the Section 106 contributions and the CIL within the draft charging schedule therefore provides a brief summary of the current position.

In December 2012 DCLG CIL guidance requires (paragraph 85) local authorities to work proactively with developers to ensure they are clear about infrastructure needs and what developers will be expected to pay for through which route in order to avoid 'double dipping'. Generally we seek reassurance that there will be no double counting given the significant community infrastructure to be provided on site at Locking Parklands. We note paragraphs 89 and 90 confirm that a proposed pooling of Section 106 contributions should be set out at examination and based on evidence with minimal reliance on Section 106 if possible. Any changes to the 123 list should be clearly explained and consulted upon.

We have previously raised concerns with regards to attributing contributions from Locking Parklands to the strategic flood solution superponds as the site falls largely outside of the flood zone and can mitigate it's own impacts. We therefore note that the table of contributions is caveated with the statement that the strategic flood solution could be dealt with either the Section 106 or CIL approach.

We have previously sought to clarify the position with regards to the funding of the North South Link between the A371 and the A370 and whether or not it could be included within the CIL. This

Comments noted. NSC will comply with regulations on not double-charging developers through CIL and S106.

Issues on the Weston Villages Strategic Flood Solution, North South Link and Weston Villages education have been largely resolved through S106 agreements and planning consents issued over the past three years.

Updated IDP and draft Regulation 123 list to be consulted on through DCS process.

appears to be scheduled against the Section 106 contributions. We assume this is also the case for the Cross Airfield Link. We seek clarification on the CIL provision for 'Junction 21 bypass' and question if this relates to the proposed development set out within the Core Strategy. We note that the primary school provision is to be provided by Section 106 at Locking Parklands whereas the secondary provision will be through CIL. The table will need to consider the full implications of potential shared use of community facilities (built and outdoor) in light of the potential provision (for items such as a sports hall) within the proposals for secondary / college education which may be open to the wider community.

Summary

We broadly support the provisions of the CIL but seek some reassurance that the implications set out above in relation to the Weston Villages have been fully explored in accordance with the latest Government CIL guidance (December 2012). We would welcome the opportunity to explore the implications of the relationship between the CIL and Section 106 Agreement and infrastructure list provided within the charging schedule. We would suggest that we discuss this at one of our future meetings on Locking Parklands. We will also reserve the opportunity to make further comments once any proposed changes are published for comment.

<p>Tom Leimdorfer 936033/cil/17</p>	<p>My comments under Q5 are also relevant here.</p> <p>There is a potential problem here. While I can see the rationale for higher CIL rates for area outside Weston in terms of greater infrastructure requirements per dwelling, the higher rate can have two negative effects. While we don't want to encourage any large scale development in these areas, some relatively small scale developments can be desirable but more difficult to achieve with higher CIL. Developers paying the higher CIL rate will also argue very strongly against any S106 for these developments. This could mean that parish and Town Councils miss out on contributions towards some essential local facilities unless the CIL is partly devolved to them. There is potential for conflict here, especially as parish and town councils are taking over more facilities and services.</p>	<p>Rates are set to be viable for the majority of development.</p> <p>Town and Parish Councils will receive 15% of CIL income for their area, or 25% if they have an adopted Neighbourhood Plan.</p>	<p>No change.</p>
<p>Winscombe and Sandford Parish Council Winscombe and Sandford Parish Council 7805313/cil/17</p>	<p>Yes. Should like to see a specific reference (under CIL) for the provision of allotment land for new communities where there is evidence demand will exist.</p>	<p>Allotments are included within the definition of green infrastructure. Listing every type of green infrastructure would lead to a lengthy schedule and would run the risk of missing out some types.</p>	<p>Updated Infrastructure Delivery Plan and Draft Regulation 123 list published for consultation alongside Draft Charging Schedule.</p>

Wraxall and Failand Parish Council (clerk) Wraxall and Failand Parish Council 7800929/cil/17	The Parish Council is content with the proposals in the Draft Charging Schedule but has no strong views on the questions raised.	Noted.	No change.
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Yatton Parish Council Yatton Parish Council 3322113/cil/8	The CIL references are more specific than the 106 and it was felt more details was required. Is there any structure in place to monitor the finance under CIL and 106 as it has been notorious for the lack of transparency in the past.	An updated IDP and draft Regulation 123 List have been prepared and seek to provide additional clarity on the relationships between CIL and S106. Annual monitoring reports are required as part of CIL regulations.	Updated Infrastructure Delivery Plan and Draft Regulation 123 list published for consultation alongside Draft Charging Schedule.
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Q18 Do you have any further comments on the proposals set out in this document?

Respondent	Comment	Councils Response	Proposed Changes
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eshayler 3106401/cil/1	In principle I agree with these proposals although I have 1 major concern! I am worried that the money received will go into one central pot and would not necessarily be used for infrastructure	15% of CIL is passed to the Town or Parish Council in which development takes place, or 25% if that area has an adopted Neighbourhood Plan.	No change.
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	<p>surrounding the development and only those identified by the local plan.</p> <p>There needs to be a ring-fenced amount for each development which is used on the local infrastructure (that which will be affected by the development). This should be particularly for developments that were not in the Local plan and which could potentially result in infrastructure needs not accounted for.</p>		
<p>LLM 6013569/cil/5</p>	<p>Funds not ring fenced: While I think it is sensible to allow flexibility on how the funds are spent I also think this needs to be completely transparent to foster public trust in the system. A report saying exactly where monies have come from and where they are going should suffice. For example, using funds from areas around junction 19/20 to improve junction 21 and do nothing towards transport around 19/20 would be illogical because it doesn't actually improve the infrastructure around the areas where the develops are occurring.</p> <p>Mandatory exemptions: sports pitches. I'm not clear why these are exempt. They are not in use all the time but when they are, nearby roads will be more heavily used and so will parking facilities. Maybe they should pay one of the lower rates but I'm not convinced they should be exempt.</p>	<p>NSC is required to publish annual reports on income and expenditure. The updated Infrastructure Delivery Plan and draft Regulation 123 List seek to provide clarity on how funding will be spent.</p> <p>Sports pitches are not buildings and are therefore exempt from CIL. This regulated at the national level and is not at the Council's discretion.</p>	<p>No change.</p>

	<p>On any of my general or specific points I'm interested to listen to alternative viewpoints as I appreciate that I may not have all the knowledge or facts to fully appreciate the implications of these plans.</p>		
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