

Draft Charging Schedule: Summary of Key Points from Consultation Representation and Recommended Response

Concerns and Objections				
Ref.	Respondent	Agent	Summary	Recommended Response
R1	Asda Stores Limited	Thomas Eggar	<ul style="list-style-type: none"> I. Viability evidence should have considered the level of S106 and S278 contributions which developers may still be liable to pay. II. Viability evidence has not considered fully the impact on conversion or regeneration projects involving vacant units III. The Council is urged to adopt exceptional circumstances relief IV. The Council is urged to adopt an instalment policy 	<p>(I) Noted; S106 and S278 Agreements relating with recent retail developments in Winchester have been used to inform the assessment, and sufficient buffers have been allowed for site specific planning costs; the findings are not affected</p> <p>(II) Noted; conversion and regeneration projects have been considered within the assessment and are not considered to require separate treatment</p> <p>(III) Do not agree; It is recommended that exceptional circumstances relief should not supported on grounds of practicability, uncertainty and risk; see para. 3.8 of report</p> <p>(IV) Agree; It is recommended that the Council introduces an instalments policy; issue addressed in para. 3.9</p>
R2	Sainsbury's Limited	WYG	<ul style="list-style-type: none"> I. Differential charging zones should be justified by both the residential and non-residential viability report II. No evidence has been provided to demonstrate that convenience and comparison retail comprise separate uses of development III. Exceptional circumstances relief is "particularly useful for promoting the development of sites which are critical to delivering regeneration" 	<p>(I) – (II) Do not agree: issues addressed in original viability evidence and <i>Supplementary Viability Report</i>. Definition clarified within Draft Charging Schedule</p> <p>(III) Do not agree; It is recommended that exceptional circumstances relief should not be supported on grounds of practicability, uncertainty and risk; see para. 3.8 of report</p>
R3	WM Morrison Supermarkets	Peacock & Smith	<p>Comments relate to Adams Integra Non-residential Viability Study (November 2012):</p> <ul style="list-style-type: none"> I. "Typical site-specific" S106/278 costs that will be out with the Reg. 123 List should be factored into the CIL Viability Modelling II. It is not clear whether Adams Integra's the report follows the approach set out in the RICS guidance note 	<p>(I) Noted; S106 and S278 Agreements relating with recent retail developments in Winchester have been used to inform the assessment and the findings are not affected</p> <p>(II) Do not agree; approach is set out within original viability evidence and <i>Supplementary Viability Report</i></p> <p>(III) Do not agree: the approach used has been</p>

			<p>III. The consultants have adopted an Existing or Current Use Value Approach (with a 20% premium), contrary to RICS guidance</p> <p>IV. Lack of (Winchester focussed) evidence to support the assumptions in the development appraisals and also in understanding the local market</p> <p>V. Query figures in Supermarket Appraisal</p> <p>VI. "Sensitivity analysis needs to be undertaken to demonstrate that the impact that a decrease in rent, weakening the yields and increase in build costs would have on the surplus available for CIL"</p>	<p>demonstrated elsewhere to be robust and is not contrary to RICS guidance</p> <p>(IV) Do not agree; issues addressed in original viability evidence and <i>Supplementary Viability Report</i></p> <p>(V) Noted; modification to the presentation is recommended (including figures in metric), but findings are not affected</p> <p>(VI) Noted; approach is set out within original viability evidence and <i>Supplementary Viability Report</i></p>
R4	ALDI Stores	Turley Associates	<p>I. S106 costs should be accounted for in the viability analysis</p> <p>II. A "high rate of CIL will impact upon the viability of the business and deter future investment of discount retail provision" within Winchester</p> <p>III. Reasons should be given for the decision not to offer discretionary exemptions relief</p> <p>IV. A commitment should be made to review CIL</p>	<p>(I) Noted; S106 and S278 Agreements relating with recent retail developments in Winchester have been used to inform the assessment, and sufficient buffers have been allowed for site specific planning costs; the findings are not affected</p> <p>(II) Do not agree; issues addressed in original viability evidence and <i>Supplementary Viability Report</i></p> <p>(III) Do not agree; It is recommended that exceptional circumstances relief should not be supported on grounds of practicability, uncertainty and risk; see para. 3.8</p> <p>(IV) Noted; Government CIL Guidance states that charging authorities are strongly encouraged to keep their charging schedules under review, but the date of any future review should not be referred to in the Schedule</p>
R5	Housebuilders' Consortium (Bloor Homes, Persimmon Homes, Hazeley Developments, McCarthy & Stone	Savills	<p>I. Not convinced that the viability appraisal has factored sufficient costs in respect of the Code for Sustainable Homes</p> <p>II. Property prices used should reflect higher and lower value areas within Winchester urban area and the surrounding area</p> <p>III. A buffer should be applied to account for discrepancies in value</p> <p>IV. The contingency should be 5% of build costs to account for the unforeseen</p> <p>V. It is imperative that the instalments policy is flexibly worded, with payments appropriately phased</p>	<p>(I) Noted; viability assessment consulted CLG <i>Cost of Building to the Code of Sustainable Homes</i> (August 2011) for the costs, over and above the base cost</p> <p>(II) Do not agree: the assessment includes fine-grained sampling but not to the extent of focusing sub-divisions of the urban area</p> <p>(III) Do not agree; the addition of a 20% premium to the existing use values has been assessed; the findings are not affected</p> <p>(IV) Do not agree; a 5% contingency has been tested alongside the 20% premium; the findings are not affected</p> <p>(V) Agree; It is recommended that the Council introduce an instalments policy; issue addressed in para. 3.9, although</p>

			<p>VI. Strong objection to the Council's proposal not to deliver discretionary relief</p> <p>VII. A commitment should be made to review CIL</p>	<p>details of phasing to be determined</p> <p>(VI) Do not agree; It is recommended that exceptional circumstances relief should not be supported on grounds of practicability, uncertainty and risk; see para. 3.8</p> <p>(VII) Noted; Government CIL Guidance states that charging authorities are strongly encouraged to keep their charging schedules under review, but the date of any future review should not be referred to in the Schedule</p>
R6	McCarthy & Stone Retirement Lifestyles Limited, Churchill Retirement Living	The Planning Bureau Limited	<p>I. Details of viability assessment in respect of C3 sheltered housing need to be clarified</p> <p>II. Proposed approach to the distinction between Extra Care housing as C2 or C3 use will be time-consuming and costly, and "ignores the issue of public-private cross-funding"</p>	<p>(I) Agree; further evidence submitted by respondent has assisted in review of assessment findings, and an amendment to the definition of residential has been proposed accordingly</p> <p>(II) Do not agree; The Local Planning Authority will be able to confirm which Use Class applies, and CIL will apply accordingly</p>
R7	Hampshire County Council		<p>I. Private C3 units provided to make public Extra Care housing viable should also be exempt.</p> <p>II. "The decision to charge £0 for all types of development within Zone 1... raises concerns"</p>	<p>(I) Agree; further evidence submitted by respondent has assisted in review of assessment findings, and an amendment to the definition of residential has been proposed accordingly</p> <p>(II) Do not agree; £nil charge for development within Strategic Allocations is fully justified on viability grounds (see Draft Charging Schedule consultation document), and in line with Government Guidance.</p>
R8	Country Land & Business Association		<p>I. CIL should not apply to "diversification" of farm buildings</p> <p>II. CIL charges would make construction of rural worker housing unviable</p>	<p>(I) Noted; CIL does not apply to change of use; charges outside Winchester urban area only to be levied on new build residential and retail development</p> <p>Do not agree; Specific circumstances are acknowledged but assessment findings do not justify any exemption on grounds of viability</p>
R9	English Heritage		<p>I. Exceptional circumstances relief should be offered where development which affects heritage assets and their settings may</p>	<p>(I) Do not agree; It is recommended that exceptional circumstances relief should not be supported on grounds of practicability, uncertainty and risk; see para. 3.8</p>

			become unviable.	
Other Comments				
Ref.	Respondent	Agent	Summary	Recommended Response
R10	Natural England		CIL Spending: <i>City Council to give careful consideration to the role of CIL in complying with the National Planning Policy Framework, in setting out a strategic approach to biodiversity and green infrastructure</i>	Noted
R11	Thames Water		CIL Spending: City Council to consider using CIL contributions for enhancements to the sewerage network beyond that covered by the Water Industry Act and sewerage undertakers, for example by providing greater levels of protection for surface water flooding schemes	Noted
R12	Wonston Parish Council		CIL Spending: Concerned to ensure that S106 funds from developments within the Parish will be spent locally	Noted
R13	Littleton & Harestock Parish Council		CIL Spending: City Council should return all of the CIL funds to the parish where development takes place	Noted
R14	South Downs National Park Authority		"The National Park Authority supports Winchester City Council's Draft Charging Schedule and will continue to engage and cooperate on matters relating to implementation, governance and expenditure throughout the CIL process as well as sharing evidence"	Noted
R15	Environment Agency		"We are very supportive of the work done to date. We are also pleased with the scope of the evidence	Noted

			base”	
R16	North Whitely Consortium	Terence O’Rourke	<p>“The NWC continue to support the approach taken by WCC to set a £nil rate for the three strategic allocation sites within Winchester District, which includes North Whiteley. We support the conclusions of the Council and the work undertaken by Adams Integra that confirms, as the substantial infrastructure costs for North Whitely will be delivered through S106 contributions, the viability of the development requires the CIL rate (for all uses) to be set at zero”</p>	Noted
R17	Linden Homes	Boyer Planning	<p>“We broadly support the Council’s zoned approach to setting the tariff and believe that a charge rate based on site location is the most appropriate. We also support the rate of £80 per net additional internal square metre of residential development for sites within Zone 3 as we consider that this has been based on a robust assessment of a range of scenarios and impact on viability. The exemption of affordable housing from the levy is strongly supported as this will assist in maintaining viability in residential developments.</p> <p>The only criticism we have is that there is no clear mechanism for payment of the levy due by instalments.”</p>	Noted

