



**Our Reference:** A023352/CM

**SUBMITTED VIA EMAIL**

1 February 2013

**Mr. Steve Opacic**

Head of Strategic Planning  
Winchester City Council  
Colebrook Street  
Winchester  
SO23 9LJ

Dear Mr. Opacic,

**Sainsbury's Supermarkets Ltd.  
Winchester City Council  
CIL Preliminary Draft Charging Schedule**

On behalf of our client, Sainsbury's Supermarkets Ltd, we write concerning the Council's Preliminary Draft Charging Schedule, and wish to make the following representations.

**Charging Zones**

The proposed schedule sets out charging zones which are unsupported by the Non-Residential Viability Report, which states:

"Our findings show that those uses showing sufficient viability to support CIL charges should be able to contribute to infrastructure costs at the same level regardless of their location in the district." (Page 9)

We request that the proposed charging zones are either eliminated or supported by both Residential and Non-Residential Viability Reports. If differential charging zones are to persist, these zones must be clearly



evaluated for each of the identified use types within the Viability Reports, evidence from which must support the Council's proposed zones.

### **Proposed Differential Rates for Retail Development**

The Council propose differential charging rates within the retail use class based on location and retail type, with town centre locations and convenience (excluding specialist convenience retailers) and retail warehouse development bearing the brunt of CIL charges.

The proposed distinction between convenience and comparison goods (outside of Zone 2, Winchester Town Centre) is unsupported by the Viability Study, which excludes the category of comparison outside of Winchester Town Centre from its assessment entirely. Further, the Council's differentiation between retail warehouses which specialise in bulky goods and those which specialise in non-bulky goods is an ambiguous differentiation also unsupported by the Viability Studies. The proposed schedule is therefore in breach of Regulation 13. We are of the opinion that the regulations do not allow Councils to set differential sub-rates for the same intended use, and the schedule should thus be amended to reflect this.

### **Clarification of the Schedule**

Paragraph 38 of the *Community Infrastructure Levy Guidance: Charge setting and charging schedule procedure* (March 2010) explicitly discourages overly complex charging schedules. Winchester City Council's proposed schedule is undoubtedly overly complex, setting no fewer than 18 different charging rates within the district, excluding South Downs National Park. We request a simplification of the proposed schedule.

We recommend the removal of footnote marker '1' (in supertext) adjacent to *Retail (convenience stores, supermarkets and retail warehouses)* within the proposed CIL charging schedule table. The inclusion of this footnote implies that all retail uses are to be charged at the rates suggested for convenience stores, supermarkets and retail warehouses, which is not, we believe, the Council's intention.

If the proposed charging zones are to be maintained, we recommend the listed charge for *Retail (town centre)* be changed for Zones 1 and 3 from '£0' to 'N/A' for clarity, as this development category is restricted to Zone 2 (Winchester Town).

### **Regulation 55**

We request that subsequent revisions of the Charging Schedule set out a provision under Regulation 55 of the CIL regulations (2010). Regulation 55 allows Charging Schedules to grant discretionary relief in exceptional, specified circumstances. Applying this discretionary relief is particularly useful for promoting the development of sites which are critical to delivering regeneration, which are at the cusp of being viable and where a CIL charge would render a scheme unviable. Such relief is entirely discretionary and therefore



provision of the 'opportunity' does not weaken the Council's position if it chooses not to allow it in any given circumstance.

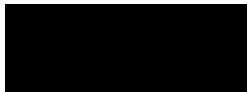
**Notification of Key Stages**

We request that we are notified at the address at the bottom of the pages of this letter when the:

- Second draft Charging Schedule is being consulted on;
- When the schedule has been submitted to the examiner in accordance with section 212 of PA 2008;
- Publication of the recommendations of the examiner and the reasons for those recommendations; and
- Approval of the Charging Schedule by the Council.

We look forward to your confirmation of receipt of this letter and response in due course.

Yours faithfully,



**Charlotte Mitchell**  
**Assistant Town Planner**  
**For and on behalf of WYG Environment Planning Transport Ltd**