



Our Reference: A023352/CM

SUBMITTED VIA EMAIL

24th May 2013

Mr. Steve Opacic

Head of Strategic Planning
Winchester City Council
Colebrook Street
Winchester
S023 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 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 proposes differential charging rates between convenience and comparison retail. Whilst the Council has provided evidence that such uses differ in viability, no evidence has been provided to demonstrate that these two facets of retail development, which comprise a single Use Class (A1 [Shops]), comprise separate uses of development. As such, the proposed schedule is in breach of Regulation 13, which clearly states that a charging authority may set differential rates based only on different zones or different 'uses of development'.

In addition, the Council is currently proposing differential rates by reference to the scale of retail development. As made clear in the current CIL consultation document, this is not currently permitted and one rate only should be set for any type of retail development regardless of its size. We are aware that this could be subject to change following the consultation but, if the changes to the regulations do not take place and it is decided that authorities who have previously published a draft schedule must revise their schedules to take account of the new regulations, the schedule as currently proposed will be in breach of the regulations.

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:

- 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