



Newark and Sherwood District Council

Community Infrastructure Levy (CIL)

Preliminary Draft Charging Schedule Consultation Questionnaire

Newark and Sherwood District Council adopted a Community Infrastructure Levy (CIL) Charging Schedule in September 2011, which came into force in December 2011. The existing Charging Schedule and Infrastructure requirements are currently being reviewed a timetable has been set to adopt a revised Charging Schedule by spring 2017

The Preliminary Draft Charging Schedule (PDCS) is the District Council's first step in preparing a revised CIL Charging Schedule. This document identifies the current thinking on the level at which Newark and Sherwood District's CIL might be revised and set. Alongside this PDCS we have published evidence which has led us to identify the proposed amendments to the existing Charging Schedule documents can be viewed at: <http://www.newark-sherwooddc.gov.uk/cil/>

This is your opportunity to inform the debate and influence how the Charging Schedule is amended in Newark and Sherwood District.

There are two ways in which you can submit your completed representation on the Preliminary Draft Charging Schedule:

- Email response
- Postal response

Response forms are available from Kelham Hall reception and all District libraries or can be printed from the District Council's website <http://www.newark-sherwooddc.gov.uk/> and should be returned by email to planningpolicy@nsdc.info or by post to Infrastructure/S106 Officer Newark and Sherwood District Council, Development Management, Kelham Hall, Newark, NG23 5QX

Your comments should arrive no later than 4.45pm on Friday 9th December 2016. Please also note that your comments will be made available as public information.

Contact Details:

Your Contact Details:

Name: Andrew Norton

Organisation: Nottinghamshire County Council

Address: County Hall, West Bridgford, Nottingham

Postcode: NG2 7QP

Email address:
andrew.norton@nottsc.gov.uk

Telephone: 0115 993 9309

If you have appointed someone to act on your behalf please enter their details here:

Name:

Organisation:

Address:

Postcode:

Email address:

Telephone:

Question 1.

Do you agree that the infrastructure funding assessment shows that there is sufficient justification for the proposed revisions to be made to the existing Newark and Sherwood Charging Schedule?

On the whole the County Council do agree that the infrastructure funding assessment shows that there is justification for the proposed revisions to the existing CIL Charging Shedule. For additional, comments on the highways and education element of the Infrastructure Delivery Plan please refer to the response set out in the 'Additional Comments' section of this questionnaire .

Question 2.

Bearing in mind that CIL cannot be negotiated do you have any views on whether CIL receipts should continue to only be collected for specific highway improvements and secondary education and whether you consider funding for any additional infrastructure types should be collected from CIL receipts. Should Section 106 planning obligations be scaled back further?

In May 2016 the County Council made representations on the consultation which was undertaken by the District Council regarding proposed changes to the CIL Regulation 123 list. These changes did not include the addition of other types of infrastructure, they were purely to reflect the addition of a new highway scheme and the deletion of others which had been completed. It is considered that the use of CIL for specific highway schemes and secondary education remains appropriate and as such the County Council would support the continued use of CIL for these types of infrastructure.

Should these types of infrastructure remain on the Regulation 123 List it is recommended that an adequate mechanism be introduced between Newark and Sherwood District Council and Nottinghamshire County Council to ensure that the monies requested by Nottinghamshire County Council towards infrastructure provided by the County Council and received by Newark and Sherwood District Council are forwarded on in sufficient amounts and in appropriate time scales to the County Council. This is to enable the necessary infrastructure requiring the funding to be carried out satisfactorily and in a timely manner.

In terms of S106 contributions, it is considered that these will continue to play an important role in delivering site specific infrastructure which is needed to mitigate the impact of development. The District Council currently has an adopted Developer Contributions & Planning Obligations Supplementary Planning Document. The County Council would wish to be involved with any review of this document which may take place as a result of the CIL and wider Local Plan review process. In addition the County Council has an adopted Planning Obligations Strategy which sets out the contributions that they may seek to mitigate the impact of development. This document is currently under review and will be consulted on in due course

Question 3.

Do you consider that the key assumptions that underlie the viability evidence are appropriate? If not what alternative assumptions would you suggest and why?

The assumptions which have been used to assess viability are set out clearly in section 4 of the 'Newark & Sherwood Whole Plan and CIL Viability Assessment - June 2016. The County Council has not undertaken an independent review of the Viability Assessment, the Property Value Study or Construction Costs Study produced in support of the Draft Charging Schedule. However it is agreed that the areas which have been assessed are appropriate. The data contained within the viability report is taken from a point in time therefore it will be important to ensure that this, along with the CIL Charging Schedule is kept under review to ensure they reflect market conditions and changing circumstances within the District. It is requested that NCC be involved in any future review process.

In addition the County Council can confirm that it does not have any additional information to submit which would either support or disprove any of the the figures / assumptions which have been made with the viability report.

Question 4.

Do you agree that differential residential rates across the District are beneficial? If you disagree please give reasons?

CIL Regulation 13 (as ammended) allows for Charging Authorities to set differential rates:

- (a) for different zones in which development would be situated;
- (b) by reference to different intended uses of development,
- (c) by reference to the intended gross internal area of development;
- (d) by reference to the intended number of dwellings or units to be constructed or provided under a planning permission.

The approach proposed by the District Council would be in accordance with Regulation 13 and the County Council agrees that, to reflect the varying land values and viability of development across the District, it is both appropriate and beneficial to have variable CIL rates for residential development. In addition the reduction in the number of charging zones based on the findings of the Viability Study is welcomed and supported.

Question 5.

Do you agree with the removal of a CIL charge for commercial development with the exception of retail (A1 to A5 use) and a single Districtwide rate for retail, if you disagree please give reasons?

Section 3.2 of the PDCS refers to viability evidence and whether there is a viable margin of return to developers beyond a reasonable level of profit (which is usually a minimum of 20%) to fund CIL. This assessment results in the proposed removal of Commercial development from CIL and certain geographical areas for residential development would also be zero rated.

Other exemptions (such as affordable housing) are also explained later onin the PDCS. Whilst this may be a necessary outcome if development viability is not to be compromised it would be helpful if the District Council could clarify how much CIL receipts in total are forecast from the proposed revised policies together with a likely total cost of all supporting infrastructure. In this way it would be possible to understand the size of any funding shortfall and the likelihood of the supporting highway and education infrastructure not being constructed.

Question 6.

Do you support the proposed rates in the PDCS Tables? Please explain your reasoning

The proposed rates are based on the findings of the supporting evidence, in particular the Viability Appraisal, Building Cost Study and Land Valuation Report. They have also taken account of the various pieces of guidance regarding developer contributions in the NPPF and CIL Regulations. Therefore the County Council has no objections to the proposed rates although it would re-emphasise the point made in response to question 3 about the need to keep the rates and supporting evidence base under review to ensure that they remain update to date with market conditons and changing circumstances within the District.

The current definition of residential zone 1 is 'Low Zone' which implies that there would be some form of CIL charge levied. As this is not the case it is considered that for clarity for developers and agents it would be beneficial to amend the definition. If this was done Zones 2 - 4 could subsequently be amended to Low Zone, Medium Zone and High Zone respectively.

Question 7.

Do you agree that the existing Phased Payments Policy is suitable and if not what amendments would you suggest?

The current CIL payment instalment policy was last reviewed in 2013. The County Council consider that the current approach, in which payments are phased inproportion to the scale of development that is proposed remains suitable.

Additional Comments

Do you have any additional comments to make about the contents of the Preliminary Draft Charging Schedule (PDCS) please complete in the box below

Section 3.1.1 of the PDCS identifies the framework for identifying infrastructure requirements and refers to a draft Infrastructure Delivery Plan produced by WYG in support of the District Council's Local Plan Review 2016. The draft IDP which contains recommended highway infrastructure to support growth has not been agreed by Nottinghamshire County Council as local highway authority, this is contrary to the position inferred in section 3.1.1. Discussions between NCC and NSDC on the findings and recommendations in the IDP are on-going.

Section 3.1.5 advises that the findings of the IDP are for information purposes only and any subsequent amendments to the highway improvement projects on the CIL Regulation 123 List will be separately consulted on by NSDC. This is welcomed. In this case it is not necessary for the local highway authority to comment further on the draft IDP at this time.

In terms of education, paragraph 3.1.4 of the PDCS discusses secondary education provision. The County Council are concerned that the district is treating the whole area as one planning area – aggregating the number of places and setting this against the demand and coming up with an excess of 694 secondary places and therefore an ultimate demand for 1,469 secondary places. This needs to be agreed on a site by site basis not as a complete area.

In addition CIL is currently used to fund secondary education. As part of the Draft IDP which forms part of the evidence base for CIL, it is noted that within the infrastructure schedule (appendix A) the funding mechanism for secondary education will be S106 / Developer. Therefore the County Council would seek further clarification about which mechanism will be used in future; will it retain the current approach of using CIL or will it revert back to S106.

Please note that the County Council has also sent a separate, more detailed response on the content of the Draft Infrastructure Delivery Plan to consultants WYG who are reviewing the document on behalf of the District Council.