



West Oxfordshire District Council

Community Infrastructure Levy (CIL) Statement of Consultation – Update (January 2017)

Contents

1. INTRODUCTION	3
2. BACKGROUND	3
3. Preliminary Draft Charging Schedule (PDCS)	4
Consultation Dates	4
Responses received.....	4
Key issues arising and District Council Response.....	4
4. Draft Charging Schedule (DCS)	9
Consultation Dates	9
Responses received.....	9
Key issues arising and District Council response	9
5. Proposed Minor Modifications	15
Consultation Dates	15
Responses Received.....	16
Key Issues arising and District Council Response	16
6. Further Consultation on CIL Settlement Boundaries	17
Consultation Dates	17
Responses Received.....	18
Key Issues arising and District Council Response	18
7. Next Steps	20
8. Sources of Further Information	20
Legislative/Policy Context.....	20
Guidance.....	21
CIL in West Oxfordshire	21
Appendix 1 – Schedule of PDCS consultation respondents	22
Appendix 2 – Summary of PDCS consultation responses	23

Appendix 3 – Schedule of DCS consultation respondents.....32
Appendix 4 – Schedule of DCS consultation responses33
**Appendix 5 – Schedule of Respondents and Responses to Proposed CIL Draft
Charging Schedule Minor Modifications (September 2015)..... 103**
**Appendix 6 – Schedule of Respondents and Responses to CIL Settlement Boundary
Consultation (November 2015) 107**

I. INTRODUCTION

- 1.1 West Oxfordshire District Council is seeking to introduce the Community Infrastructure Levy (CIL) into West Oxfordshire. CIL is a charge (£ per m²) placed on certain forms of development to help fund the general infrastructure needed to support the planned growth of an area.
- 1.2 CIL is intended to operate alongside traditional planning obligations (e.g. Section 106 legal agreements) which will focus primarily on affordable housing and site-specific infrastructure that is directly related to and needed to mitigate the impact of a development.
- 1.3 As part of the process for introducing CIL the Council has undertaken several rounds of public consultation. This included consultation on a preliminary draft CIL charging schedule (PDCS) in December 2013 followed by consultation on a draft CIL charging schedule (DCS) in March 2015.
- 1.4 Consultation on some proposed minor modifications took place in September 2015 followed by further consultation in November 2015 on the potential application of settlement boundaries for the purposes of applying CIL to commercial uses (A1 – A5 including shops, bars, restaurants etc.)
- 1.5 This consultation statement summarises the key issues raised at each consultation stage and sets out the Council's response. The consultation statement will be made available alongside the Council's revised draft CIL charging schedule which will be subject to public consultation in January 2017.

2. BACKGROUND

- 2.1 In February 2013, the District Council's Cabinet agreed in principle to progress CIL in West Oxfordshire and consultants were duly appointed to prepare an Economic Viability Assessment (EVA). The EVA was completed in September 2013 and the recommendations formed the basis of a 'Preliminary Draft Charging Schedule' (PDCS) which was published for an 8-week period of consultation from 11 December 2013 – 5 February 2014. Comments were received from 32 individuals and organisations.
- 2.2 Following the close of the consultation, the Council's consultants were asked to update their assessment to take account of the comments received as well as more recent data (e.g. updated sales values and build cost assumptions). Account was also taken of relevant changes to national policy and guidance (including the exemption of certified self-build schemes from CIL and the introduction of a national threshold of 11 or more dwellings for the on-site provision of affordable housing).
- 2.3 Their revised recommendations formed the basis of a draft CIL charging schedule which was published for a 6-week period of public consultation from 27 March 2015 - 8 May 2015. Comments were received from 22 individuals and organisations.
- 2.4 Consultation then took place on a number of proposed minor modifications to the Council's CIL draft charging schedule in September 2015. Just three responses were received.

- 2.5 Most recently, further consultation took place in November 2015 on the potential application of settlement boundaries for the purposes of CIL in order to assist with the application of CIL charges for commercial A1 – A5 uses such as shops, bars and restaurants. Comments were received from 8 individuals and organisations.

3. Preliminary Draft Charging Schedule (PDCS)

Consultation Dates

- 3.1 The PDCS was published for an 8-week period of consultation from **11 December 2013 – 5 February 2014**. Copies of the consultation documents were made available on the District Council’s website, at the main Council offices and a number of other prominent locations throughout the District.
- 3.2 All parties held on the District Council’s planning policy database including statutory and non-statutory consultees were notified in writing (either by letter or email) and invited to respond to the consultation.

Responses received

- 3.3 Comments were received from 32 individuals and organisations including other local authorities, statutory bodies, Town and Parish Councils, developers and agents and members of the public. These are listed at Appendix I.

Key issues arising and District Council Response

- 3.4 A summary of the PDCS consultation responses is attached at Appendix 2. Table I below highlights the key issues arising together with an explanation of how these issues have been addressed (where applicable).

Table I: Summary of Key Issues (PDCS)

Issues	How has this been addressed? (Updated December 2016)
General support towards the introduction of CIL.	The support expressed for the introduction of CIL was welcomed.
Some concern about the timing of the consultation ahead of publication of the Oxfordshire Strategic Housing Market Assessment (SHMA) and the potential for increased housing numbers and thus infrastructure requirements.	This concern was noted and the subsequent consultation on the draft charging schedule was timed to coincide with the formal publication of the pre-submission draft Local Plan to provide greater certainty.
Concern that the proposed	The first update EVA report (February 2015) and

<p>residential CIL rate was too high and substantially above the rates in nearby areas – leading to problems of viability.</p>	<p>the second update EVA report (December 2016) include an analysis of CIL rates in nearby local authorities by way of comparison.</p> <p>Notably a significantly higher residential CIL charge is now proposed in parts of neighbouring Cherwell District.</p> <p>It is important to note however that CIL rates are not set with regard to the rates used in other areas and instead are based on local evidence of viability which varies from place to place.</p>
<p>Uncertainty regarding what will be funded by CIL and S106 in the future.</p>	<p>The concerns were noted and the Council has since prepared a draft Regulation 123 list identifying the infrastructure projects that the Council intends to spend CIL revenue on.</p>
<p>Concern that small-scale schemes should not be exempt from CIL because it is inequitable and such developments have a significant, cumulative impact on infrastructure. Also some concerns about the prospect of ‘threshold dodging’.</p>	<p>The concerns were noted and taken into account alongside changes to national policy in the first update EVA report (February 2015). The threshold was subsequently dropped, with all residential schemes (except certified self-build) now required to pay CIL.</p>
<p>The need to test the viability of previously developed (brownfield) sites which often have higher costs.</p>	<p>The comments were noted and the first and second update EVA reports include a number of previously developed (brownfield) scheme typologies.</p>
<p>The Council should introduce an instalments policy to ease cash flow for developers.</p>	<p>The comments were noted. Similar comments were made in relation to the draft charging schedule consultation (see Table 2 below).</p> <p>The Council proposed a minor amendment to the draft charging schedule to refer to the payment of CIL by instalments (September 2015). This has also been reflected in the revised draft CIL charging schedule (January 2017).</p>
<p>Agreement that it is reasonable to sub-divide the District into different ‘zones’ due to differing values but concern that the three zones</p>	<p>The concerns were noted and the delineation of the ‘zones’ was revisited as part of the first update EVA report resulting in some minor amendments.</p>

<p>identified are not representative of residential sales values across the District.</p>	<p>Notably in his preliminary findings, the CIL examiner considered that the defined value zones for affordable housing and CIL were justified on the basis of current evidence.</p> <p>Sales values have been further analysed as part of the second update EVA report (December 2016) and the three value zones have been taken forward into the revised draft CIL charging schedule (January 2017).</p>
<p>Concern about the application of a flat CIL rate for residential schemes of £200 per m² regardless of location/value zone.</p>	<p>Whilst there is scope within the CIL regulations for the Council to introduce variable CIL charges on a geographic basis, in this instance the viability results suggested that the proposed rate could be supported in each of the three value zones and thus for simplicity, a flat rate was adopted.</p> <p>The draft charging schedule introduced differential charging based on the scale of development (with a lower CIL rate for larger schemes of 11 or more dwellings having regard to the fact such schemes would be required to provide on-site affordable housing).</p> <p>The revised draft charging schedule (January 2017) applies a lower CIL charge to allocated Strategic Development Areas (SDAs) and also distinguishes between sites of 6 – 10 units within and outside the AONB.</p>
<p>Some concern about the complexity of the proposed charging schedule.</p>	<p>The proposed charging schedule in adopting a flat rate for residential development was not overly complex. The variable rates for other uses e.g. sheltered and extra-care housing were necessary as a result of varying viability across the three value zones.</p> <p>This approach has however been simplified in the revised draft charging schedule (January 2017).</p>
<p>Queries regarding some of the assumptions used in the viability assessment (e.g. construction costs, sales values, land values, density assumptions, dwelling mix etc.)</p>	<p>The concerns were noted and addressed as part of the first update EVA report (February 2015) with a number of the assumed inputs varied accordingly. Where no change was made, the reason was clearly identified in the report.</p>

	<p>The second update EVA report (December 2016) prepared in support of the revised draft CIL charging schedule is based on further detailed analysis of key variables including construction costs, sales values etc.)</p>
<p>The need to provide an appropriate 'buffer' and not set a CIL rate at the margins of viability.</p>	<p>This issue was recognised throughout the initial EVA report and first update EVA report (February 2015) which sought to set CIL rates well within a reasonable buffer. It has also been recognised in the second update EVA report (December 2016) and reflected in the revised draft charging schedule (January 2017) in particular the application of a lower CIL charge for allocated Strategic Development Areas (SDAs).</p>
<p>Concerns that the proposed retail CIL rates would have a significant effect on viability of future retail development including small-scale development which some considered should be exempt.</p>	<p>The comments were noted and the viability of various retail schemes was re-evaluated as part of the first update EVA report (February 2015) resulting in different rates for retail according to location (i.e. within or outside a designated centre) and land type (i.e. greenfield or previously developed).</p> <p>Having regard to initial concerns raised by the CIL examiner, further consultation took place on the application of CIL rates for commercial A1 – A5 uses in November 2015.</p> <p>In light of the consultation responses received and the second update EVA report (December 2016) the revised draft charging schedule (January 2017) proposes a simpler 'in-centre' and out-of-centre' CIL rate for A1 – A5 uses.</p>
<p>Requests for further clarity over the suggested retail CIL rates and the specific areas to which they would apply.</p>	<p>See above.</p>
<p>Lack of information relating to the costs of above minimum environmental standards/ requirements for renewable energy and the cumulative impacts of these</p>	<p>These comments were noted and taken into account in the first update EVA report (February 2015). The sensitivity testing undertaken modelled the impact of potential increases in build costs.</p> <p>This approach has been taken forward further in</p>

<p>obligations and policy burdens.</p>	<p>the second EVA update report (December 2016) with consideration given to the viability impact of various local plan policies.</p> <p>In his preliminary findings, the CIL examiner confirmed that at this point in time the Council does not need to factor in the cost of achieving zero carbon homes.</p>
<p>Concern about office and industrial uses being exempt from CIL due to their considerable infrastructure impact.</p>	<p>These concerns were noted however the initial EVA report identified that such development was not able to support a CIL payment for reasons of viability. This has since been confirmed by the first update EVA report (February 2015) as well as the second update EVA report (December 2016).</p>
<p>Implications of the (then) proposed 10 dwelling threshold for affordable housing provision.</p>	<p>The comments were noted and the threshold has been taken into account in the two updated EVA reports, draft charging schedule and revised draft charging schedule.</p>
<p>The Council should prepare a 'planning obligations' SPD alongside the introduction of CIL.</p>	<p>The Council intends to produce a draft SPD on developer contributions including CIL and planning obligations.</p>
<p>Consideration to be given to the payment of land in lieu of CIL.</p>	<p>The regulations allow for the provision of land and/or infrastructure in lieu of CIL as a payment 'in kind'.</p> <p>The Council previously proposed a minor modification to refer to this possibility. This has also been taken forward into the revised draft charging schedule (January 2017).</p>
<p>There should be a clearly defined review mechanism and the Council should regularly publish monitoring data with no more than 3 year intervals.</p>	<p>The comments were noted and similar comments were made in relation to the draft charging schedule. The Council proposed a minor modification to the draft charging schedule to refer to regular monitoring and review of CIL.</p> <p>This has also been taken forward into the revised draft charging schedule (January 2017).</p>
<p>Concern about information gaps in</p>	<p>The comments were noted and the Council's</p>

<p>relation to the cost of certain items of infrastructure.</p>	<p>supporting infrastructure delivery plan (IDP) has since been updated to include additional costs where information is available.</p> <p>It is the case however that for some identified infrastructure requirements, only a broad cost or even no cost may be known.</p>
---	---

4. Draft Charging Schedule (DCS)

Consultation Dates

- 4.1 The DCS was published for a 6-week period of public consultation from **27 March 2015 – 8 May 2015**. Copies of the consultation documents were made available on the District Council's website, at the main Council offices and a number of other prominent locations throughout the District.
- 4.2 All parties held on the District Council's planning policy database including statutory and non-statutory consultees and those who had responded to the preliminary draft charging schedule consultation were notified in writing (either by letter or email) and invited to respond.

Responses received

- 4.3 Comments were subsequently received from 22 individuals and organisations. This included responses from other local authorities, statutory bodies, developers and agents and Town and Parish Councils. Attached at Appendix 3 is a list of all those who responded to the DCS consultation and attached at Appendix 4 is a schedule of their representations which also includes the Council's response.

Key issues arising and District Council response

- 4.4 Table 2 below summarises the key issues that emerged through the DCS consultation and the Council's response. This should be read in conjunction with the full schedule attached at Appendix 4.

Table 2: Summary of Key Issues (DCS)

Key issue	Council's response (Updated December 2016)
<p>General support for smaller residential schemes now being required to pay CIL (although this was not universal with some respondents considering that such schemes should be exempt).</p>	<p>The general support for smaller residential schemes being required to pay CIL was noted and welcomed. This is considered to be consistent with the principles of CIL which is intended to spread the cost of infrastructure more equitably.</p> <p>Numerous small-scale developments can cumulatively have a significant impact on</p>

	<p>infrastructure requirements and it is appropriate for them to make a contribution.</p> <p>Importantly, the Council's viability evidence suggests that small-scale schemes of 10 or less dwellings are able to make a CIL payment because there is no on-site affordable housing requirement which can have a significant effect on gross development value.</p> <p>This approach has been taken forward into the revised draft charging schedule (January 2017) having regard to the second update EVA report (December 2016).</p>
<p>Concern expressed that the proposed CIL rate for smaller residential schemes (£200 per m²) is too high and will render such developments unviable thereby affecting delivery.</p>	<p>The Council's viability evidence suggests that small-scale schemes of 10 or less dwellings are able to make a CIL payment because there is no on-site affordable housing requirement which can have a significant effect on gross development value.</p> <p>For schemes within the AONB, a lower CIL rate of £100 per m² will apply to schemes of 6-10 units which will sit alongside an affordable housing commuted sum of £100 per m².</p> <p>This approach has been taken forward into the revised draft charging schedule (January 2017) having regard to the second update EVA report (December 2016).</p>
<p>General support for the reduction in the CIL rate to £100 per m² for larger residential schemes of 11 or more dwellings although some concern expressed that this will act as a subsidy for larger developers.</p>	<p>Having regard to the second update EVA report (December 2016) the revised draft charging schedule (January 2017) applies a CIL charge of £200 per m² to larger schemes of 11 or more dwellings (other than allocated Strategic Development Areas). There is thus now consistency with smaller sites of less than 11 dwellings.</p>
<p>Certain development typologies not adequately tested through the viability evidence including medium sized residential schemes and medium sized retail units on a greenfield site forming part of a residential development.</p>	<p>The first update EVA report (February 2015) and second update EVA report (December 2016) have tested a large number of different development typologies but inevitably cannot test every type and</p>

	<p>scale of scheme.</p> <p>The evidence produced is considered to be proportionate and reasonable having regard to the Government's practice guidance on viability in plan making.</p>
<p>Greater clarity needed in relation to the Council's Regulation 123 list and what it intends to seek contributions towards from CIL what will be sought via a planning obligation particularly in relation to the strategic site allocations.</p>	<p>These comments have been duly noted and the Council's 'Regulation 123 list' is in the process of being revised to become more 'project-specific'.</p> <p>This will help to ensure no actual or perceived 'double-dipping'.</p>
<p>General support for the overall methodology used in the Council's viability evidence (residual valuation) but concern expressed about a number of variables/assumptions used including:</p> <ul style="list-style-type: none"> • Build costs • Sales values • The additional cost of achieving zero-carbon standards • External works allowance • Site promotion costs • Finance costs • Assumed S106 costs for larger schemes 	<p>The support expressed for the overall methodology used in the Council's viability evidence was noted and welcomed.</p> <p>Where the Council's independent consultant has agreed with respondents, changes have been made in the updated EVA reports.</p> <p>Conversely where the Council's consultant does not agree, no change has been made with a reason clearly provided.</p> <p>The second update EVA report (December 2016) sets out the key variables that underpin the viability modelling used to inform the revised draft charging schedule (January 2017).</p>
<p>Threshold land values – mixed views expressed with some considering the assumed TLV were about right (albeit that a 25% discount should not be applied) but others considering the assumed TLV to be too low.</p>	<p>The support expressed for the assumed threshold land values was noted and welcomed.</p> <p>The application of a 25% discount to take account of the future effect of CIL is considered to be fully justified in light of precedents set elsewhere and no change is proposed in this regard.</p> <p>However, as part of the second update EVA report (December 2016) threshold land values have been updated and additional sensitivity analysis has been included to show more clearly the viability impact of any assumed increase in threshold land values.</p>

<p>The Council should offer discretionary relief from CIL.</p>	<p>Whilst the Council will offer mandatory relief from CIL it does not currently intend to offer discretionary relief such as exceptional circumstances relief.</p> <p>The proposed CIL rates have been set well within the margins of viability which should help to avoid the need for discretionary relief from CIL being sought.</p> <p>This position will however be kept under review. The Government’s practice guidance states that the powers to offer relief can be activated and deactivated at any point after the charging schedule is approved and as such the Council will continue to consider whether there is a need to offer this or any form of discretionary relief from CIL through the monitoring and review of CIL.</p> <p>Wording to this effect was proposed as a minor modification in September 2015 and has subsequently been included in the revised draft charging schedule (January 2017) albeit with a clearer commitment in terms of timescales.</p>
<p>The Council should recognise the possibility of CIL payments being made ‘in kind’ e.g. provision of land with relief/exemption from CIL to be made available in such circumstances.</p>	<p>The Council acknowledges that there may be circumstances in which land and/or infrastructure could potentially be provided to satisfy a charge arising from CIL (either in whole or in part).</p> <p>Wording to this effect was proposed as a minor modification in September 2015 and has subsequently been included in the revised draft charging schedule (January 2017).</p> <p>In accordance with the CIL regulations, the Council will in due course prepare a separate document providing more detail and information on the payment of CIL ‘in-kind’.</p> <p>Wording to this effect has been included in the revised draft charging schedule (January</p>

	2017).
The delineation of the three different 'value' zones is too arbitrary and lacks justification.	<p>In his preliminary findings (December 2015) the CIL examiner concluded that the three value zones are 'justified at present on the basis of the Aspinall Verdi Study'.</p> <p>The extent of the three value zones has been further re-considered as part of the second update EVA report (December 2016) and no changes are proposed.</p>
The Council should allow for phased payments of CIL to assist with developer cash flow.	<p>The Council acknowledges that it would be helpful to developers if an instalments policy were to be introduced.</p> <p>The revised draft charging schedule (January 2017) therefore includes reference to the payment of CIL by instalments.</p>
General support for the reduction in CIL rates for specialist housing but some suggestion that such developments should be exempted from CIL completely.	<p>The second update EVA report (December 2016) concludes that sheltered housing and extra-care housing can afford to contribute CIL at a rate of £100 per m² across all three value zones (high, medium and low) whilst remaining viable.</p> <p>This is reflected in the revised draft charging schedule (January 2017).</p>
Larger strategic sites should be exempt from CIL due to the high infrastructure costs that will continue to be sought through planning obligations.	<p>It is acknowledged that large strategic sites are likely to continue to require planning obligations in order to secure affordable housing and necessary site-specific infrastructure needed to mitigate the impact of development.</p> <p>The second update EVA report (December 2016) assesses the viability of a number of strategic development areas based on a CIL charge of £100 per m².</p> <p>All of the sites are shown to be viable and thus there is no justification for exempting these sites from having to pay CIL.</p>
Site-specific comments relating to the North Witney and East Witney Strategic Development Areas on the basis that the viability of those schemes will be brought into question unless	See above.

<p>they are exempt from having to pay CIL.</p>	
<p>Clarification sought in relation to car parking and whether it is exempt from CIL.</p>	<p>It is acknowledged that the DCS could usefully provide clarification that ancillary car parking will not attract a CIL charge. A minor modification was proposed to this effect in September 2015 and this has been taken forward into the revised draft charging schedule (January 2017).</p>
<p>Mixed views expressed on the exemption of industrial and office uses from CIL with some considering that CIL should be charged and others welcoming the exemption.</p>	<p>It is acknowledged that the provision of new office and industrial development will place additional strain on infrastructure and that it would not be unreasonable to seek a contribution from such development via CIL.</p> <p>However, the Council’s viability evidence suggests that such forms of development are unable to make a CIL contribution by virtue of a lack of viability. This has been confirmed in the second update EVA report (December 2016).</p> <p>This situation will however be kept under review and should new evidence suggest that a CIL charge could be applied, due consideration to this possibility will be given.</p> <p>The Council will also continue to consider whether it would be appropriate for such forms of development to enter into a planning obligation subject to the statutory tests.</p>
<p>Some concern about the application of differential rates for A1-A5 uses in relation to which a flat rate should be applied.</p>	<p>It is acknowledged that undue complexity should be avoided however the adoption of a flat rate for A1 – A5 uses irrespective of location is considered to be overly simplistic.</p> <p>Having regard to the second update EVA report (December 2016) the revised draft charging schedule (January 2017) proposes an ‘in-centre’ CIL charge to be applied to A1-A5 development within the District’s designated town centres’ and an ‘out-of-centre’ CIL charge to be applied to A1 – A5 development elsewhere in the District.</p>

	This approach is considered to be reasonable and justified as well as simple to administer.
The District Council should prepare a developer contributions type SPD to clarify the relationship between CIL and planning obligations including S106 agreements.	The Council intends to produce a supplementary planning document (SPD) on developer contributions including CIL and planning obligations and exploring the inter-relationship between the two.
The need for an early review of CIL once introduced coupled with regular, ongoing monitoring and review.	The important of monitoring and review is fully acknowledged and a minor amendment was proposed to this effect in September 2015. This has been taken forward into the revised draft charging schedule (January 2017).
Concern about the extent (and cost) of planning obligations that will continue to be sought once CIL is introduced.	CIL is intended to complement rather than replace planning obligations which will continue to be used to secure affordable housing and site-specific infrastructure that is needed to mitigate the impact of larger developments. The proposed CIL charge for larger residential schemes of 11 or more units in the revised draft charging schedule (January 2017) is set well within a significant viability 'cushion', thereby ensuring that a combination of CIL and potential planning obligations does not cause problems in terms of typical scheme viability.

5. Proposed Minor Modifications

Consultation Dates

- 5.1 To take account of a number of issues raised by respondents to the draft charging schedule the Council published a schedule of minor modifications for consultation from **16 September 2016 - 16 October 2016**.
- 5.2 The proposed minor modifications can be summarised as follows:
- Various factual updates;
 - Reference to the potential payment of CIL by land and/or infrastructure (i.e. 'in kind');

- A commitment to keep the need for discretionary relief from CIL under review;
- Reference to the payment of CIL by instalments;
- An acknowledgement that in some instances CIL revenue will need to be passed onto other bodies (e.g. Oxfordshire County Council);
- Clarification that ancillary car parking will not attract a CIL charge;
- Additional commitment to an early initial review of CIL once adopted plus regular monitoring and ongoing review;
- CIL calculation illustration updated to reflect the CIL regulations (as amended).

Responses Received

- 5.3 Responses were received from just three respondents. These are listed at Appendix 5 together with their responses set out in full.

Key Issues arising and District Council Response

- 5.4 Table 3 below summarises the key issues that were raised together with the Council's response and (where appropriate) proposed course of action.

Table 3: Summary of Key Issues (Proposed Minor Modifications – September 2015)

Key issue	Council's response
Support in principle for payment of CIL 'in-kind' i.e. by land and/or infrastructure although some concern that the Council has not set out its proposed approach in a separate document as required by the CIL regulations.	<p>The support is noted and welcomed. It is also acknowledged that if the Council wishes to accept payment of CIL in kind, further detail of the proposed approach must be set out in a separate document in accordance with the CIL regulations.</p> <p>The Council intends to produce such a document and wording to this effect has been included in the revised draft charging schedule (January 2017).</p>
Support in principle for the payment of CIL in instalments with a request that a monetary threshold should be set (above which payment of CIL through instalments will be accepted) rather than an approach based on the number of units proposed.	<p>The support is noted and welcomed.</p> <p>The revised draft charging schedule (January 2017) includes reference to the payment of CIL by instalments. The detail of this will be set out in a separate instalments policy in due course.</p>
The need to re-consider the proposed approach towards affordable housing provision on smaller residential schemes in light of	The Council's proposed approach is based on the Government's current planning practice guidance which stipulates that on-

Government policy.	site affordable housing should only be sought on larger residential schemes of 11 or more units with financial contributions towards affordable housing able to be sought from schemes of 6 – 10 units in a designated rural area such as the Cotswolds AONB.
Support in principle for keeping the need for discretionary relief from CIL under review, however some concern expressed that no timetable is given for this review with the issue effectively postponed indefinitely.	The support is noted and welcomed. Further clarification has been added to the revised draft charging schedule (January 2017) in respect of the timing of any review.
Some continued concern regarding the arbitrary nature of the three proposed value zones (high, medium and lower).	The comments are noted however in his preliminary findings (December 2015) the CIL examiner concluded that the value zones were justified based on the available evidence. No change is therefore proposed.

6. Further Consultation on CIL Settlement Boundaries

Consultation Dates

- 6.1 In relation to commercial A1 – A5 uses, the Council’s draft charging schedule proposed three separate CIL rates according to location (i.e. within or outside a designated Town Centre) and site type (i.e. brownfield or greenfield). These are as follows:

Use	Location	Recommended CIL rate (£ per m ²)
A1 - A5 Uses (greenfield sites)	District wide	£175 per m ²
A1-A5 Uses (previously developed sites outside designated Town Centres)	District wide (except Town Centres)	£50 per m ²
A1 – A5 Uses (previously developed sites in designated Town Centres)	Designated Town Centres (as defined by the Local Plan)	£30 per m ²

- 6.2 However, in his preliminary comments the CIL examiner raised some concerns about this approach, querying whether the identification of Greenfield sites is a form of zoning and if so whether it could be practically delineated on a map in accordance with the regulations.

- 6.3 The Council published its response to the Inspector’s concerns in a note dated 8 October 2015 (WO CIL 01). This maintained support for a differential rate for A1-A5 uses on greenfield and brownfield sites (on the grounds of viability) but acknowledged that as submitted, the Council’s draft charging schedule does not comply with the CIL regulations.
- 6.4 It was therefore proposed that to accord with the regulations, settlement boundaries would be defined around the District’s nine main settlements with the following CIL charges applying:
- Sites within designated town centres - £30 per m²
 - Sites outside designated town centres but within a defined settlement boundary (where applicable) - £50 per m²
 - All other sites within the District - £175 per m²
- 6.5 Consultation on this proposed approach took place from **20 November 2015 – 18 December 2015**.

Responses Received

- 6.6 Comments were received to the CIL settlement boundary consultation from 8 individuals and organisations. The respondents and their responses are set out in full at Appendix 6.

Key Issues arising and District Council Response

- 6.7 Table 4 below summarises the key issues that were raised through the consultation together with the Council’s response.

Table 4: Summary of Key Issues (Further Consultation on CIL Settlement Boundaries – November 2015)

Key issue	Council’s response
CIL charges should be increased to pay for transport infrastructure including parking.	<p>The concern is noted although is not of direct relevance to the consultation.</p> <p>Importantly, CIL rates must not be set at the margins of viability and must include an appropriate viability ‘cushion’.</p> <p>No change proposed.</p>
Concern that a zero CIL rate for the majority of non-residential uses in West Oxfordshire contrasts with the approach taken in Oxford City (where no uses are zero-rated) thereby giving rise to the need to consider potential state aid implications.	<p>The Council acknowledges the need to carefully consider state aid issues. However, the Council’s viability evidence concludes that a zero CIL charge should be applied to most non-residential development (other than A1 – A5 uses) on the grounds of viability. No change proposed.</p>

<p>Concern that the proposed settlement boundaries could be used for general planning purposes and not just for CIL.</p>	<p>The comment and concerns expressed in relation to the proposed settlement boundaries are noted and it is acknowledged that there is a risk of such defined boundaries being used for wider planning purposes other than just CIL.</p> <p>The proposed approach towards the delineation of settlement boundaries will no longer be taken forward and will instead be replaced by a simpler approach with an 'in-centre' rate and an 'out-of-centre' rate.</p> <p>This is reflected in the revised draft charging schedule (January 2017).</p>
<p>A range of specific comments on the proposed settlement boundaries identified.</p>	<p>The comments are noted however the proposed approach towards the delineation of settlement boundaries will no longer be taken forward and will instead be replaced by a simpler approach with an 'in-centre' rate and an 'out-of-centre' rate.</p> <p>This is reflected in the revised draft charging schedule (January 2017).</p>
<p>General concerns about the quantum of growth planned and the associated impact on infrastructure.</p>	<p>The comments are noted although not directly related to the consultation. Importantly, through the Local Plan and supporting Infrastructure Delivery Plan (IDP) the Council is seeking to ensure that new development is supported by appropriate investment in new and improved infrastructure.</p>
<p>Concern that sites in the AONB are required to pay a lower CIL charge.</p>	<p>The Council's proposed approach is considered entirely reasonable having regard to the national policy position on the provision of affordable housing as well as the Council's viability evidence. No change proposed.</p>
<p>Concern that the application of settlement boundaries for CIL would be contrary to positive planning and sustainable development.</p>	<p>The comments and concerns are noted. The proposed approach towards the delineation of settlement boundaries will no longer be taken forward and will instead be replaced by a simpler approach with an 'in-centre'</p>

	<p>rate and an 'out-of-centre' rate.</p> <p>This is reflected in the revised draft charging schedule (January 2017).</p>
<p>Concern that the settlement boundaries shown are snapshots in time and do not reflect planned growth either in the Local Plan or neighbourhood plans.</p>	<p>The comments and concerns are noted. The proposed approach towards the delineation of settlement boundaries will no longer be taken forward and will instead be replaced by a simpler approach with an 'in-centre' rate and an 'out-of-centre' rate.</p> <p>This is reflected in the revised draft charging schedule (January 2017).</p>
<p>Concern that the selection of the nine settlements around which a boundary has been drawn is arbitrary.</p>	<p>The comments and concerns are noted. The proposed approach towards the delineation of settlement boundaries will no longer be taken forward and will instead be replaced by a simpler approach with an 'in-centre' rate and an 'out-of-centre' rate.</p> <p>This is reflected in the revised draft charging schedule (January 2017).</p>

7. Next Steps

- 7.1 The Council intends to publish a revised draft CIL charging schedule for public consultation in January 2017. This updated statement of consultation will be published as part of that consultation.
- 7.2 Following the close of the consultation the responses received will be reviewed and summarised and submitted to the CIL examiner together with the Council's response. At that point a date will be agreed for the CIL examination to be reconvened.
- 7.3 Depending on the outcome of the hearing process, it is anticipated that CIL will be formally introduced in West Oxfordshire during autumn 2017.

8. Sources of Further Information

- 8.1 The following web links provide useful information on CIL in general and the Council's development of its proposed CIL charging schedule.

Legislative/Policy Context

Localism Act (2011)

<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

CIL Regulations (2010)

<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

CIL Amendment Regulations (2011)

<http://www.legislation.gov.uk/uksi/2011/987/made>

CIL Amendment Regulations (2012)

<http://www.legislation.gov.uk/uksi/2012/2975/contents/made>

CIL Amendment Regulations (2013)

<http://www.legislation.gov.uk/ukdsi/2013/9780111534465/contents>

CIL Amendment Regulations (2014)

<http://www.legislation.gov.uk/ukdsi/2014/9780111106761/contents>

CIL Amendment Regulations (2015)

<http://www.legislation.gov.uk/ukdsi/2015/9780111128374>

Guidance

Planning Practice Guidance

<http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>

Planning Advisory Service (PAS)

<http://www.pas.gov.uk/community-infrastructure-levy>

CIL in West Oxfordshire

Preliminary Draft Charging Schedule consultation

http://planningconsultation.westoxon.gov.uk/consult.ti/WODC_CIL/consultationHome

Draft Charging Schedule consultation

<http://www.westoxon.gov.uk/residents/planning-building/planning-policy/local-development-framework/community-infrastructure-levy/>

CIL and Local Plan Viability Evidence

<http://www.westoxon.gov.uk/media/1032245/CIL-and-Local-Plan-Viability-Final-Report-Feb-2015.pdf>

Appendix I – Schedule of PDCS consultation respondents

1. Alex Cresswell (Kemp and Kemp)
2. Alistair Dinmore
3. Alvescot Parish Council
4. Anonymous
5. Carterton Town Council
6. Charlbury Town Council
7. Cherwell District Council
8. Crest Nicholson
9. Dennis Stukenbroeker
10. East Witney Land Consortium
11. West Oxfordshire Developers Consortium
12. Ashley Farmer
13. Eynsham Parish Council
14. Gladman Developments
15. Historic England
16. Ian Leggett
17. Bloor Homes
18. Mike Newman
19. Oxfordshire County Council
20. Paul Hudson
21. Paul Hughes
22. Penny Siverwood /BBOWT
23. Savills
24. South Oxfordshire District Council
25. Thames Valley Police
26. The Church Commissioners for England
27. MCarthy and Stone Retirement
28. Asda Stores Ltd
29. Universities Superannuation Scheme
30. Vale of White Horse District Council
31. Virginia Endley
32. WM Morrison Supermarkets Plc

Appendix 2 – Summary of PDCS consultation responses

Question 1 - Do you agree that there is a need to introduce CIL in West Oxfordshire?

Summary of Results:

Agree	50%
Disagree	0%
Other Observations	50%

Summary of Comments:

There was general support towards the introduction of CIL on the basis that this will provide more certainty for developers and will secure contributions towards the cost of infrastructure and services. However, some concern was raised regarding the timing of CIL which some respondents consider to be premature in light of the soon to be published SHMA and the need to update the Draft Local Plan. There was also some concern expressed towards the implementation of CIL across the District and on smaller developments.

Question 2 - Do you support the recommended CIL rates for residential uses?

Summary of Results:

Support	17%
Object	58%
Other Observation	25%

Summary of Comments:

There was a general consensus that the CIL rates are unreasonably high and substantially above that charged in neighbouring areas, including Oxford. As a result and when taking into account the affordable housing policy, it was considered by some that the proposed CIL charge would render development unviable, threatening the delivery of new housing, including affordable housing and most importantly, the delivery of the Local Plan.

Some respondents considered that the assumed S106 charges for on-site infrastructure is unrealistically low and there is uncertainty as to what will be funded by CIL or S106 contributions. Others considered that land values and construction costs are much higher than assumed in the Viability Report and that sales levels are lower. It was reported that the CIL charge is highly sensitive to increases in costs and that the expenditure on the relevant infrastructure projects has not been clearly assessed. In addition, concern was raised regarding the lack of information relating to the costs of above minimum environmental standards/ requirements for renewable energy and the cumulative impacts of these obligations and policy burdens.

There was also some dissatisfaction with the charging scheme on the basis that this does not take into account the difference in the value of homes across the charging zones and that a flat rate for all house types is considered to be inequitable. Some respondents also raised concerns that irrespective of which value zone a site falls into, all schemes of six or more units will be required to pay CIL at a rate of £200 per sq m and therefore this ignores the fact that schemes in lower value areas would result in development of a lower value. In contrast, others respondents raised concerns regarding the complexity of the charging scheme.

Concern was also raised that the higher costs could mean some small developments will be seen as unviable and would not be built, penalising local house builders in favour of national house builders and larger residential schemes. Others considered that there should be measures in place to stop developers splitting plots and gaining multiple permissions for 5 or fewer units, unfairly reducing their CIL liability.

There was some disagreement regarding the CIL rates for both the Extra Care and the sheltered housing provisions which some respondents considered should be reduced. Others considered that the CIL rates as proposed will not unduly impact on the viability of specialist accommodation for the elderly.

Finally, it was raised that alternative sources of income such as New Homes Bonus and the Oxfordshire Local Enterprise Partnership fund would contribute towards the infrastructure requirements of the District and have not been identified.

Question 3 - Do you agree that small scale residential scheme of 1-5 dwellings should be exempt from CIL and instead pay a commuted sum towards affordable housing?

Summary of Results:

Agree	10%
Disagree	70%
Other Observations	20%

Summary of Comments:

In general, respondents considered that it is inequitable for smaller residential schemes not to pay any CIL charge and concern was raised that this is contrary to the CIL principles which are to ensure that all development provides its fair share towards infrastructure while maintaining development viability. As such, some considered that the threshold approach to CIL fails to consider the social, community and economic benefits and is considered to be in conflict with national planning policy.

Whilst this is the case, some support was received on the basis that the exemption from CIL would assist in the deliverability of schemes where viability is paramount and would provide a known and calculable method of securing this contribution. It was suggested that single dwellings

should be treated separately, as the proposed commuted sum on a single dwelling would be prohibitive to self-build projects, rebuilds and self-contained annexes.

However, other respondents noted that small residential developments account for a large proportion of residential development in the District and cumulatively have a significant impact on infrastructure requirements. It was considered that due to the number of smaller sites coming forward, this indicates that these must be highly viable and should contribute towards CIL, otherwise the approach will result in a housing mix at odds with the housing needs and would penalise smaller market houses on medium sized developments.

There was also concern raised that the threshold will result in problems of 'threshold dodging' which would result in nil payments to rural Parish Councils and this would be particularly damaging to the rural areas of West Oxfordshire. It was raised that developers may face criticism due to this and may be expected to negotiate Section 106 payments with the parishes on every application, which will add to the delay in the planning process.

In addition, concern was raised that the proposed relief from payment is not based on exceptional cost burdens but on the basis that the affordable housing policy should take precedence which is considered to be flawed against the exceptional cost burden test. Others suggested that the commuted sum for affordable housing could be reduced and the threshold land values should be pushed down by keeping land owners aspirations in check.

Questions were also raised such as how affordable housing will be provided if money rather than land is received and whether there will be land available.

Finally, it was raised that the Government's Autumn Statement (December 2013) has indicated that it intends to consult on introducing a 10 unit threshold for Section 106 affordable housing contributions in order to reduce costs for small builders. Therefore, the potential implications of an increase in affordable housing threshold should be considered.

Question 4 – Do you agree with the extent of the high, medium and lower value zones illustrated at Figure 1?

Summary of Results:

Agree	29%
Disagree	57%
Other Observations	14%

Summary of Comments:

The general view was that the reasoning for creating the three different value zones is understandable as land values do differ considerably across the District. The inclusion of sheltered housing and extra care housing in the low value zone was also supported. However, many respondents considered that the approach used is arbitrary and relies on an over-simplification of previous studies and post-code based data, none of which were intended to be directly relied on for CIL purposes. Some considered that using this data creates a postcode lottery and distorts development, particularly at the boundaries.

As a result, some considered that this would skew development within the District as the differentials between the areas are considered to be too great, resulting in some areas paying four times others, regardless of house size, which would unfairly burden the delivery of smaller market affordable property. These will then need to be subject to viability testing, adding to delays as well as additional costs. It was suggested that this issue should be addressed by introducing payments based on floorspace and a refined postcode area.

This approach was considered to particularly impact on areas such as Chipping Norton and Middle Barton which have lower values than assumed due to surrounding settlements with significantly greater values.

Concerns were also raised that whilst the affordable housing requirement is 15% higher in the high value areas, as affordable housing is exempt from CIL charges, this will be chargeable on 15% more of the dwellings in the low value areas.

Question 5 – Do you support the recommended CIL rates for retail uses set out in Table 2?

Summary of Results:

Support	13%
Object	63%
Other Observations	25%

Summary of Comments:

A number of concerns were raised by respondents who considered that the charges on retail uses will have a significant adverse impact on the overall viability of future retail development and will put undue risk on the delivery of such proposals. Some considered that this will pose a significant threat to potential new investment and job creation in the local area. It is also considered by some that a balance has not been found between infrastructure funding requirements and viability.

In particular, there were concerns raised that the charge rate on retail uses outside the town centres will dissuade local initiatives to create shops and will stifle rural retail developments. It was felt by some that there can be little justification for such a differential rate between town centre and district-wide shops and this approach is based solely on the models' viability with no reference to infrastructure impact.

It was also suggested by some respondents that the proposed CIL rate for supermarkets would discourage retail developments, reducing the range, variety and choice of retail shopping and undermine the retail function of local centres. In addition, some considered that it is unclear how supermarkets will be treated if delivered within a town centre and that there is a lack of clarity regarding the distinction between shops and supermarkets as well as between the town centre, edge of town and out of town boundaries.

Other respondents considered that small shops should be exempt from this charge in order to promote local services and businesses which will serve and support new households across the District.

It was suggested that in settlements such as Carterton where comparison shopping is being encouraged in the town centre, that a lower CIL rate specifically for the town centre area should be explored. On the other hand, some respondents considered that the exemption from, or the discounting of CIL rates on non-residential development only shifts a greater burden on to the residential sector.

Another issue raised was the need for clarity regarding car parking costs including developments incorporating multi-storey or basement parking.

Finally, concern was raised that there will be EU state aid issues arising out of the setting of differential rates for different types of commercial entity within the same use class and therefore the Council should adopt a flat levy rate for comparable sectors of the economy.

Question 6 - Do you agree that offices and industrial uses should be exempt from CIL?

Summary of Results:

Agree	33%
Disagree	67%
Other Observations	0%

Summary of Comments:

Whilst there was some support towards this approach, there was a greater level of concern raised and many respondents strongly objected to exempting offices and industrial uses from CIL.

The main reason for disagreeing with this approach appeared to be due to the considerable impact large office developments and industrial premises can have on infrastructure, particularly the highway network, and therefore respondents felt that these uses should contribute to mitigating their impact.

Some respondents raised the issue that the hypothetical model has been heavily influenced by the consultations with estate agents and developers and do not accept that the viability of these developments would be jeopardised by the application of CIL.

Others considered that basing an exemption on the immediate economic climate is not justified as the economy is likely to change faster than the CIL rate.

In addition, it was suggested that a blanket exemption for new office and industrial developments would provide no incentive to reuse brownfield sites.

Question 7 – Do you agree that where A2 – A5 uses (financial and professional services, restaurants and cafes, drinking establishments and hot-food takeaways) have the potential to be used for A2 – A5 uses as well as A1 retail (e.g. as part of an ‘open’ consent for A-class development such as a District Centre) they should be charged the proposed CIL rate?

Summary of Results:

Agree	60%
Disagree	0%
Other Observations	40%

Summary of Comments:

It was agreed that this approach is justifiable as the impact would be generally similar and this would avoid complexity.

However, there was concern that this could make developing town centres such as Carterton more difficult where there is a clear need for restaurants, cafes and drinking establishments.

Further clarification was also sought on how this charge is intended to be applied, what is meant by a 'district centre' as opposed to a 'town centre', what the CIL rate is, and what the definition of 'shops' is and whether this is intended to include the Use Class A1 only.

Question 8 – Do you agree that in relation to sui generis uses (e.g. car showrooms) that come forward pursuant to a retail consent on greenfield ‘main road’ locations, it would be reasonable to levy the proposed CIL retail rate?

Summary of Results:

Agree	83%
Disagree	0%
Other Observations	17%

Summary of Comments:

No respondent disagreed to this approach, although there was clarification sought on how this charge is intended to be applied, and what the proposed CIL rate is, as well as which uses will be included.

It was raised that there is uncertainty on how much other types of sui-generis development (other than car showrooms) will have to pay toward CIL, if any at all.

It was considered that buildings required for water and sewerage infrastructure provision should be identified as being exempt from paying CIL, as this is essential to all new development and is unlikely to put additional pressure on infrastructure.

Question 9 – Do you agree that CIL should not be levied on C1 uses (hotels), D1 uses (non-residential institutions), D2 uses (assembly and leisure) and agricultural development?

Summary of Results:

Agree	50%
Disagree	33%
Other Observations	17%

Summary of Comments:

Whilst some respondents considered that all uses should make a contribution, others considered that particular uses should be exempt.

It was suggested that a distinction should be drawn between D1 and D2 Use Class developments with those which form social infrastructure (such as health centres, nurseries, schools, libraries, etc.) being £0 rated. However, commercial leisure operations should pay towards the demand for infrastructure they create.

It was also considered that there is less justification for CIL on agricultural development, however if agricultural buildings are later used or sold for office or industrial use, any net gain in area resulting from redevelopment should be charged at the appropriate rate. In addition, it was suggested that any buildings constructed purely for retail use (i.e. a farm shop or for commercial leisure use) should be rated accordingly.

Finally, it was suggested that using Use Classes to determine the CIL rates is not appropriate in all cases and the level of demand on infrastructure created by a development should be reflected in an appropriate rate.

Question 10 – Are there any other comments you wish to make?

Summary of Comments:

For ease, the comments have been separated into sub-headings as listed below. Where possible, points raised in response to the previous questions have not been included in this section, to avoid repetition.

Delay the Progress

It would be sensible to consider delaying the progress of the Charging Schedule further until the draft regulations have been fully enacted to enable the Council to assess their impact on its own proposals.

Exceptional Circumstances Relief

If applying Exceptional Circumstances Relief, the Council will have flexibility to allow strategic or desirable, but unprofitable, development schemes to come forward through negotiation on a one-to-one basis.

Simply exempting schemes from certain S106 obligations is unlikely to be sufficient.

Brownfield sites

The level of growth from Brownfield sites will be significantly curtailed by the proposed CIL/affordable figures, thereby affecting the soundness of the draft plan.

Flat Levy

It would be fairer to divide the Council's estimate of total deliverable infrastructure costs over the charging period by the total expected floorspace and apply a flat levy across the District and across all forms of development.

The potential impact of a flat rate levy on the viability of those types of development which are not currently identified as viable could be balanced by the Council's implementation of exceptional circumstances relief.

Suggested CIL and Affordable Housing rates

It is suggested that for sites of less than 10 houses an overall District wide levy for CIL and affordable housing should be set at around £150 psm, with a split of one third being attributable to affordable housing schemes and two thirds payable to CIL projects. For sites of 10 or more houses, the affordable housing provision should be set at a level of up to 50% of the total number of houses with a CIL levy of £100psm.

S106 and CIL

The Council should prepare a planning obligations SPD in parallel with the introduction of the CIL to clarify the relationship between the two.

Land in lieu of CIL

Regulation 33 permits the payment of land in lieu of CIL. This could be proactively utilised where the land in question is provided for infrastructure, for example 'strategic' highways or open space.

Allocation of Funds

Early discussions should agree the mechanism for allocating funds raised through the levy and the need to agree a protocol that will govern the arrangements by which the District Council transfers funds to the County Council.

Instalment Policy

We strongly advise the inclusion of an instalments policy for the payment of CIL. For larger sites, this upfront cost will front load the development costs and could render developments unviable.

Implementing a draft instalment policy will ensure that developers are not disadvantaged by the decision to submit a full planning application for a phased development scheme.

The initial contribution payable at the commencement of development should vary depending on the scale of the total CIL payment due. The timing and proportion of subsequent payments should then also vary by the scale of the CIL liability.

Monitoring

There should be a clearly defined review mechanism and the Council should regularly publish monitoring data with no more than 3 year intervals.

Early review

As it is highly likely that the evidence base for the introduction of the levy will change in the short to medium term, the Council should commit to an early review of the scheme (within 2 years of its introduction).

Infrastructure

The Oxfordshire wide SHMA update may lead to a higher housing target and the need to deliver further infrastructure to support the sustainable development of the area.

Infrastructure Funding Gap Analysis

This has many areas where the cost of the project and any potential funding gap isn't known, particularly for 'Green Infrastructure' which is vital to achieve the aims of the Local Plan and ensure sustainable development across the district.

Appendix 3 – Schedule of DCS consultation respondents

Health and Safety Executive

Woodstock Town Council

Eynsham Parish Council

Bampton Parish Council

Kemp and Kemp on behalf of Hugh Sherbrooke, Christopher Wilmhurst Ltd and Steven Sensecall Ltd.

Thames Water

Blue Cedar Homes

Carter Jonas on behalf of the East Witney Land Consortium

Deloitte on behalf of Universities Superannuation Scheme Limited (USS)

Environment Agency

Gloucestershire County Council

Historic England

Natural England

Oxfordshire County Council

Persimmon Homes (Wessex)

Savills on behalf of the north Witney consortium

White Young Green on behalf of Barwood Securities Ltd

Barton Willmore on behalf of David Wilson Homes Southern

Edgars Ltd on behalf of the West Oxfordshire Developers Consortium

The Planning Bureau on behalf of McCarthy and Stone

West Waddy ADP on behalf of Pye Homes Ltd.

The Woodland Trust

Appendix 4 – Schedule of DCS consultation responses

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
1	Health and Safety Executive	Health and Safety Executive	1	<p>Thank you for your request to provide a representation on the CIL Draft Charging Schedule consultation document. When consulted on land-use planning matters, the HSE where possible will make representations to ensure that compatible development within the consultation zones of major hazard installations and major accident hazard pipelines (MAHPs) is achieved. We have concluded that we have no representation to make on this occasion. This is because your consultation request is not concerned with the potential encroachment of future development on the consultation zones of major hazard installations or MAHPs. As the request is not relevant for HSE's land-use planning policy, we do not need to be informed of the next stages in the adoption of the CIL draft charging schedule.</p>	<p>No representation to make as the consultation does not relate to the potential encroachment of future development on the consultation zones of major hazard installations and major accident hazard pipelines.</p>	<p>Comments noted.</p>	<p>No changes proposed.</p>
2	Woodstock Town Council	Woodstock Town Council	2	<p>The draft CIL was discussed by Woodstock Town Council when it met on 14th April 2015. At this meeting Woodstock Town Council unanimously RESOLVED that its response to the CIL consultation should be as follows:</p> <p>The main part of The WODC Infrastructure Funding Gap Analysis Paper concludes that 'Although the amount of CIL revenue is likely to be well short of the aggregate funding gap, it is clear that the introduction of CIL at West Oxfordshire would make a significant contribution and is fully justified'. In view of the very large element of 'unknown' infrastructure funding evident in the CIL Consultation documentation, it seems to Woodstock Town Council more accurate to say that the contribution of CIL towards overall desired infrastructure funding will only ever be relatively modest and that other sources of funding will be more significant and necessary to fill the 'infrastructure funding gap'. It is therefore vital that urgent action is taken to identify alternative sources of infrastructure funding to complement the introduction of CIL if optimal levels of infrastructure in West Oxfordshire are to be achieved.</p> <p>Woodstock Town Council is also very concerned at the implications of Policy EW1 in Appendix 3 of the Local Plan Delivery and Monitoring Framework which discusses CIL uses. Policy EW1 is referring to the Blenheim World Heritage Site (WHS) and, under 'Indicators', is the comment: CIL/S106 contributions secured/located for conserving attributes of the WHS.</p> <p>Most of the land around Blenheim but outside the WHS itself, belongs to Blenheim. The intention to give CIL funding to the WHS is only likely to arise from developments in the area around the WHS. In such circumstances CIL funds going to the WHS will almost certainly be with funds generated by development on land sold by Blenheim. Thus Blenheim gets a bonus with CIL funds whilst the local community infrastructure is deprived of this CIL whilst, in all likelihood, grossly strained by the effects of the development and thus in need of all the CIL money that can come its way.</p> <p>This seems wrong. We are regularly told Blenheim is selling land for development to raise money to put in a fund for maintaining the WHS. That is fine but why should the WHS be further rewarded for such sales with CIL funds - and at the expense of</p>	<p>In view of the very large element of unknown infrastructure funding evident in the CIL consultation documentation, the contribution of CIL towards overall desired infrastructure funding will only ever be relatively modest and that other sources of funding will be more significant and necessary.</p> <p>It is vital that urgent action is taken to identify alternative sources of infrastructure funding to complement the introduction of CIL if optimal levels of infrastructure in West Oxfordshire are to be achieved.</p> <p>Concern expressed in relation to the potential use of CIL funds for conserving attributes of the Blenheim World Heritage Site.</p>	<p>Comments noted.</p> <p>Inevitably there are a number of unknown infrastructure costs and the CIL documentation makes it clear that it is not expected to fill the funding gap on its own.</p> <p>Other sources of funding such as the Government's Local Growth Fund will be considered alongside the provision of site-specific infrastructure and affordable housing through the use of planning obligations.</p> <p>The concerns expressed in relation to the use of CIL in respect of the Blenheim WHS are noted. Whilst cultural and heritage matters are referred to on the Council's draft CIL regulation 123 list this is not specific to the Blenheim World Heritage site.</p> <p>The use of CIL funds is referred to in the Local Plan monitoring framework and the appropriateness of that (and the need for any potential minor amendment) will be considered through the Local Plan process.</p>	<p>No changes proposed.</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				the local communities damaged by the development?			
3	Eynsham parish Council Clerk	Eynsham Parish Council	3	<p>1) Residential Development</p> <p>(a) EPC objects to the proposed rate of £100 psm for development of 11 units or more. The reason given in the Schedule (4.6) that 'This lower rate takes account of the fact that such schemes will trigger an on-site affordable housing requirement which will have a significant impact on the gross development value of the scheme', cannot be substantiated.</p> <p>Affordable housing is applicable for CIL relief and developers do not lose money on it.</p> <p>It is admitted that most developments in West Oxfordshire are under 10 units. These are built by smaller, local builders who are more likely to make the best use of available land and create dwellings more in character with the surrounding area.</p> <p>This lower rate amounts to a subsidy or tax break to large developers of larger developments. It would also promote larger, anonymous developments rather than smaller scale local developments.</p> <p>This would be contrary to Draft Local Plan Policy H2 (Delivery of New Homes) where residential development will be expected to be of proportionate and appropriate scale to the context having regard to the potential cumulative impact of development in the locality.</p> <p>All residential development should have had the same CIL rate.</p>	<p>Object to the proposed CIL rate of £100 psm for development of 11 units or more.</p> <p>The reason given is that such schemes will provide affordable housing on-site which impacts on gross development value. However, affordable housing is applicable for CIL relief.</p> <p>Most developments are small (under 10 units) and the lower rate for larger schemes amounts to a subsidy or tax break for larger developers.</p> <p>It will also promote large, anonymous developments.</p> <p>All residential development should have had the same CIL rate.</p>	<p>Comments noted.</p> <p>Affordable housing does not attract a CIL contribution but its provision on-site has a significant effect on the overall gross development value of larger residential developments. Such developments are also often required to provide other site-specific infrastructure through a planning obligation.</p> <p>As such it is appropriate to levy a lower CIL rate. Smaller schemes of 10 and under generate fewer site-specific infrastructure requirements and no on-site provision of affordable housing.</p> <p>The viability evidence therefore suggests they are capable of providing a higher CIL charge. The CIL regulations allow for differential charging rates based on the size of development.</p> <p>This approach has been taken forward into the revised draft charging schedule (January 2017).</p>	No changes proposed.
3	Eynsham parish Council Clerk	Eynsham Parish Council	4	<p>b) Supported Living</p> <p>It is admitted in the DLP that West Oxfordshire has more 55+ people than the rest of Oxfordshire (as it does in the SHMA, which says it also has a lower level of elder care housing) and this is set, according to the DLP, to rise by 54% by 2031. The need for elder care housing is equally District wide.</p> <p>To use the Value Zones to propose a £100 psm rate on Sheltered and Extra Care Housing in the High and Medium Value Zones amounts to an inequitable, arbitrary tax on elder health care provision. This is contrary to DLP Policy H4 (Type and Mix of New Homes) which says particular support will be given to proposals for specialist housing for older people including but not restricted to, extra care housing.</p> <p>Opportunities for extra care will be sought in service centres [such as Eynsham, in a High Value Zone] with good access to services and facilities for older people.</p> <p>All sheltered and Elder Care housing should be £0 rated.</p>	<p>Variable CIL rates for supported housing between value zones are inequitable. All sheltered and extra care housing should be zero rated.</p>	<p>The second update EVA report (December 2016) concludes that sheltered housing and extra-care housing can afford to contribute CIL at a rate of £100 per m2 across all three value zones (high, medium and low) whilst remaining viable.</p> <p>This is reflected in the revised draft charging schedule (January 2017).</p>	Draft charging schedule revised to include flat CIL rate of £100psm for sheltered housing and extra-care housing schemes across the District.

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
3	Eynsham parish Council Clerk	Eynsham Parish Council	6	<p>(c) High-Medium-Low Value Zones</p> <p>EPC objected to these Value Zones in the initial consultation for a number of reasons, including being too arbitrary to form an equitable tax base, which would create a postcode lottery for future development. They were not fairly based, either within the zones or in comparison with each other. In the last consultation 57% of the consultees disagreed with them.</p> <p>These zones now only exist in the present draft Schedule to justify the arbitrary and inequitable rate for Sheltered and Elder Care housing. This should be fairly rated at £0 and the Value Zones deleted as having no use.</p>	The proposed value zones are too arbitrary and should be removed.	<p>In his preliminary findings (December 2015) the CIL examiner concluded that the three value zones are 'justified at present on the basis of the Aspinall Verdi Study'.</p> <p>The extent of the three value zones has been further re-considered as part of the second update EVA report (December 2016) and no changes are proposed.</p>	No changes proposed.
3	Eynsham parish Council Clerk	Eynsham Parish Council	7	<p>2. Non Residential Development</p> <p>(a) EPC objects to a £0 rate for office and industrial development. While these developments may bear a s106 cost for site-specific infrastructure this takes no account of the 123 List infrastructure costs. Large office, and particularly industrial premises, can have a considerable impact on the infrastructure need in their area.</p> <p>With a £0 rate, this will fall disproportionately on the residential sector. The AV viability study's conclusion that CIL is 'unviable' seems to be heavily influenced by the AV consultations with estate agents and developers. If there is no proposed development, a reasonable rate would make no difference.</p> <p>If development is proposed, a reasonable rate in place would allow this to pay its fair share of the infrastructure cost.</p> <p>(b) Drawing a distinction between A1-A5 development in designated 'Town Centres' at £30 pms and £50 pms in the rest of the District is inequitable.</p> <p>Why should a new shop in Woodstock 'Town Centre' pay less than a new shop in a Rural Service Centre such as Eynsham (which is larger)? This is contrary to DLP Policy E2 (Supporting the Rural Economy). The charging rates in the rest of the District should be no greater than the designated 'Town Centre' rates.</p>	<p>A zero rate for office and industrial uses is inequitable as the burden for CIL falls unfairly on residential development. Non-residential development should pay its fair share of infrastructure costs.</p> <p>Drawing a distinction between Town Centres and the rest of the District for A1-A5 uses is inequitable and there is no reason a new shop in Woodstock Town Centre should pay less than one in Eynsham which is larger.</p> <p>The rate in the rest of the District should be no greater than the designated 'Town Centre' rate.</p>	<p>Comments noted. The Council's second update EVA report (December 2016) confirms that office and industrial uses are not able to sustain a CIL payment in West Oxfordshire. This position will however be kept under review.</p> <p>In terms of the application of the A1-A5 CIL rates, having regard to the second update EVA report (December 2016) and consultation responses received to date the Council has determined that the most appropriate approach is to adopt an 'in-centre' rate to be applied to designated town centres and an 'out of centre' rate to be applied to all other locations.</p>	Draft charging schedule revised to include two CIL rates for commercial A1 – A5 uses based on location within or outside a designated town centre.
3	Eynsham parish Council Clerk	Eynsham Parish Council	8	<p>(c) EPC objects to a blanket exemption for 'Other Uses' as set out at 4.11 of the Schedule. Planning Use Classes are not appropriate in all cases for CIL purposes. A distinction should be drawn between those which form social infrastructure (such as health centres, nurseries, schools, libraries, etc.) which should be £0 rated and commercial operations which, like A1-A5, should pay their fair share towards the demand for infrastructure they create.</p> <p>EPC has no objection to a £0 rate for agricultural development, which would make little or no demand on public infrastructure and is generally an integral part of an existing farm. However, any commercial or retail use, such as a farm shop or agricultural buildings used or sold for office or industrial use should be rated</p>	<p>Object to blanket exemption from CIL for 'Other Uses'.</p> <p>A distinction should be drawn between community uses and agricultural development which should be zero rated and commercial uses which should pay CIL contributions.</p>	<p>Comments noted.</p> <p>It is important that the proposed CIL rates are evidentially based and the Council's evidence suggests that office and industrial developments within the District are not currently viable to pay CIL.</p> <p>Any retail use falling within Class A1 of the use classes order would attract a</p>	Draft charging schedule revised to include two CIL rates for commercial A1 – A5 uses based on location within or outside a

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				accordingly.		CIL charge as set out in the revised draft charging schedule (provided the net increase in floorspace would exceed 100 sq.m).	designated town centre.
5	R J McBrien	Bampton Parish Council	9	<p>4.2 (page 17) states 'For schemes of 5 or less ... the CIL charge is £200 per square metre'. We are opposed to this and feel 1-5 properties should be exempt on the grounds that this charge will have an adverse effect on small, windfall sites.</p> <p>It is these sites which allow a village to grow organically and they should be encouraged rather than penalised. We therefore urge the Plan to remove the levy on developments of fewer than 5 properties.</p>	<p>Smaller scale developments (5 or less) should be exempt from CIL as it is these that enable a settlement to grow organically.</p> <p>Small scale developments should not be penalised.</p>	<p>The comments are noted however CIL is intended to ensure that all development (subject to viability) contributes towards the provision of infrastructure.</p> <p>Cumulatively, such small scale developments can have a significant impact and yet have historically made no contribution towards addressing that impact.</p> <p>CIL is intended to address this and the Council's viability evidence suggests that small-scale schemes are able to support a CIL charge of £200 per sqm (unless also making an affordable housing commuted sum contribution of £100psm in which case a lower CIL rate of £100psm will apply).</p> <p>Objections were received from a number of respondents at the preliminary consultation stage on the basis that the Council was proposing to exempt small-scale schemes from CIL which was felt to be inequitable.</p>	No changes proposed.
6	Kemp and Kemp	Kemp and Kemp	10	<p>3.1 Our clients support the reduction in CIL rates for larger residential developments. The Preliminary Draft Charging Schedule November 2013 proposed a rate of £200 per m² on all sites of 6+ dwellings regardless of the Value Zone. This has dropped to £100 per m² on all schemes of 11 dwellings or more and for schemes of 6-10 dwellings within the Cotswolds AONB (£200 per m² has remained on sites of 6-10 dwellings outside of the Cotswolds AONB).</p> <p>3.2 It is noted however that due to high site-specific infrastructure costs, both South Oxfordshire District Council (SODC) and Vale of White Horse District Council (VWHDC) are proposing nil or reduced CIL rates for some of the larger strategic allocations in their emerging Local Plans in order to help with their delivery.</p> <p>Our clients believe that as large strategic allocations in WODC's local plan are also likely to have high site specific infrastructure costs, WODC should also be helping</p>	<p>Reduction in CIL rate for larger scale developments is supported.</p> <p>Strategic Allocations should be exempt from CIL due to high on-site infrastructure costs.</p>	<p>The support expressed for the reduction in CIL rates for larger residential developments is noted.</p> <p>The second update EVA report (December 2016) assesses the viability of a number of strategic development areas based on a CIL charge of £100 per m².</p> <p>All of the sites are shown to be viable and thus there is no justification for exempting these sites from having to pay CIL.</p>	No changes proposed.

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				with their delivery by assigning nil or reduced CIL rates.			
6	Kemp and Kemp	Kemp and Kemp	15	<p>The November 2013 charging schedule proposed a nil CIL rate for schemes of 1 - 5 dwellings. The new schedule proposes a CIL rate of £200 per m² rate for all schemes of 1 - 10 dwellings (although 6 - 10 dwellings within the Cotswolds AONB is £100 per m²).</p> <p>The 'Local Plan and CIL update Viability Study: February 2015' suggests that as recent government guidance states that affordable housing contributions should not be sought on schemes of less than 10 dwellings, then developers can afford to pay CIL without impacting on viability.</p> <p>Our clients believe this approach is at odds with the Government's reasons for introducing the new affordable housing thresholds in the first place.</p> <p>The Ministerial Statement of 28 November 2014 entitled 'Support for small scale developers, custom and self-builders' which preceded the new affordable housing policy stated that:</p> <p>'I would like to update hon. Members on the action Coalition Government has taken to free up the planning system and the further new measures we are now implementing to support small scale developers and help hard-working people get the home they want by reducing disproportionate burdens on developer contributions.</p> <p>Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions.</p> <p>For designated rural areas under Section 157 of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty, authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions. Within these designated areas, if the 5-unit threshold is implemented then payment of affordable housing and tariff style contributions on developments of between 6 to 10 units should also be sought as a cash payment only and be commuted until after completion of units within the development.'</p> <p>3.4 This shows that the intention behind the new affordable housing threshold policy was to help with the viability of smaller schemes and consequently build more houses. Replacing one developer contribution (affordable housing) with another, admittedly less expensive 'tax' (CIL) will still lessen considerably the intended benefit to smaller developers.</p> <p>3.5 Although CIL contributions are likely to be lower financially than those for affordable housing, each site is different and presents its own challenges to develop.</p>	<p>Requiring CIL from smaller developments is at odds with recent Government policy designed to alleviate the financial burdens placed on small builders.</p> <p>Replacing one developer contribution (affordable housing) with another (CIL) will still lessen considerably the intended benefit to smaller developers.</p> <p>The CIL charging schedule should be sufficiently flexible to ensure smaller scale developers can bring forward sites and deliver much needed housing even on those sites which could be costly to develop (brownfield sites for instance).</p>	<p>The Council's viability evidence suggests that typical small-scale schemes within the District of 1-10 units are capable of making a contribution of £200 per sq. m.</p> <p>Within the AONB, this will be split between a CIL rate of £100 per sq. m for CIL and £100 per sq. m for affordable housing.</p> <p>Outside the AONB, a higher CIL rate of £200 per sq. m will be applied.</p> <p>This is considered to be a reasonable approach based on the viability evidence available.</p> <p>This approach has therefore been taken forward into the revised draft charging schedule (January 2017).</p>	No changes proposed.

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				The CIL charging schedule should be sufficiently flexible to ensure smaller scale developers can bring forward sites and deliver much needed housing even on those sites which could be costly to develop (brownfield sites for instance).			
6	Kemp and Kemp	Kemp and Kemp	16	<p>Our clients are also concerned about the proposed CIL charges for sheltered and extra care housing. WODC's own West Oxfordshire Local Plan 2031 (paras 5.69 to 5.77) recognises the increasing need older person accommodation and it is noted that both SODC and VWHDC have proposed nil CIL rates for extra care and sheltered housing.</p> <p>WODC should look carefully and critically at its evidence base and consider the impacts on the delivery of older person accommodation through the implementation of these CIL rates, particularly as sheltered housing (as a C3 use) may also need to provide affordable housing.</p>	<p>Concern expressed in relation to proposed CIL charges for sheltered and extra care housing.</p> <p>There is an increasing need for older person accommodation and other Oxfordshire LPAs have proposed nil CIL rates for extra-care and sheltered housing.</p> <p>Evidence should be carefully considered in terms of potential impact of CIL on delivery of such schemes.</p>	<p>Comments noted but the Council's viability evidence suggests that these forms of development can accommodate a CIL charge.</p> <p>No alternative evidence has been supplied to demonstrate that the viability evidence is flawed in this regard.</p> <p>The second update EVA report (December 2016) concludes that sheltered housing and extra-care housing can afford to contribute CIL at a rate of £100 per m² across all three value zones (high, medium and low) whilst remaining viable.</p> <p>This is reflected in the revised draft charging schedule (January 2017).</p>	Draft charging schedule revised to include flat CIL rate of £100psm for sheltered housing and extra-care housing schemes across the District.
6	Kemp and Kemp	Kemp and Kemp	22	<p>3.7 Our clients support the proposed district wide nil CIL rate for office and industrial uses. This is particularly important for planned economic growth.</p> <p>3.8 Our clients would like to express concern however over the proposed A1 - A5 CIL rates (greenfield sites £175 per m², brownfield sites outside designated Town Centres £50 per m² and brownfield sites in designated Town Centres)</p> <p>3.9 It is again noteworthy that both SODC and VWHDC have nil CIL rates for A1 - A5 uses (unless it is for a supermarket or superstore).</p> <p>WODC should be doing everything possible to ensure its town centres flourish and remain vibrant. Thriving town centres draw in people and are vital to the local economy.</p> <p>Charging CIL for new town centre uses when other authorities are not, could result in potential new retailers locating in other districts away from WODC, to the detriment of its own town centres.</p>	<p>Support the proposed district wide nil CIL rate for office and industrial uses. Concern expressed in relation to the proposed A1-A5 CIL rates.</p> <p>Other Oxfordshire authorities (South and Vale) have nil CIL rates for A1 - A5 uses (unless it is for a supermarket or superstore).</p> <p>The proposed rates could have a potential impact on vitality and viability of town centres e.g. potential new retailers locating in other districts.</p>	<p>Comments noted. The Council's viability evidence suggests that A1 – A5 uses are able to contribute towards CIL.</p> <p>The second update EVA report (December 2016) recommends two rates for A1 – A5 uses; an 'in-centre' rate of £50psm applying to designated town centres and an 'out-of centre' rate of £175psm applying to all other locations in the District.</p> <p>The application of a lower rate for town centres reflects the viability evidence and will help to support their vitality and viability.</p> <p>This approach has been taken forward into the revised draft charging schedule (January 2017).</p>	Draft charging schedule revised to apply two CIL charges to A1 – A5 uses including a designated town centre rate of £50psm and an out of centre rate of £175 which will apply to the rest of the District.

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
9	Thames Water Planning	Thames Water Planning	25	<p>Thames Water Utilities Ltd (Thames Water) Property Services function is delivered by Savills (UK) Limited as Thames Water's appointed supplier. Savills are therefore pleased to respond to the above consultation on behalf of Thames Water.</p> <p>Thames Water are the statutory water and sewerage undertaker for the whole of the West Oxfordshire area and are hence a 'specific consultation body' in accordance with the Town & Country Planning (Local Planning) Regulations 2012.</p> <p>We have the following comments on the CIL Draft Charging Schedule:</p> <p>Thames Water provides essential sewerage / wastewater and water infrastructure in order to support growth and deliver environmental improvements. That infrastructure provision can incorporate the provision of buildings such as a new sewage pumping station or a new sewage treatment building for example.</p> <p>The nature of such infrastructure buildings means that there is no impact on other forms of infrastructure requirements such as schools, open space and libraries. Thames Water therefore consider that sewerage/wastewater and water infrastructure buildings should be exempt from payment of the Community Infrastructure Levy and this appears to be the case in the draft schedule where 'Other Uses', have a Nil charge which Thames Water support.</p> <p>The Council may however wish 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. Sewerage undertakers are currently only funded to a circa 1:30 flood event.</p>	<p>Thames Water supports the proposed exemption of sewerage/wastewater and water infrastructure buildings from CIL under 'Other Development'.</p> <p>The Council may wish to consider using CIL contributions for enhancements to the sewerage network for example by providing greater levels of protection for surface water flooding schemes.</p>	<p>Support noted in relation to the exemption of sewerage/wastewater and water infrastructure buildings from CIL.</p> <p>The comments noted in relation to CIL expenditure are also noted. The Council has produced a revised draft Regulation 123 list to set out which infrastructure projects it intends to fund through CIL.</p>	No changes proposed.
10	Simon Tofts	Blue Cedar Homes	26	<p>I refer to the West Oxfordshire District Council CIL Draft Charging Schedule Public Consultation and wish to make a number of representations.</p> <p>These Submissions are made on behalf of Blue Cedar Homes, a private retirement homes specialist operating in the South West of England.</p> <p>On 21 March 2015, the Government updated paragraph 21 of the National Planning Policy Guidance (NPPG) putting a greater emphasis on Councils making provision for the changing needs of older residents. Indeed, the guidance stresses that older people have a wide range of different housing needs, ranging from suitable and appropriately located market housing through to residential institutions (Use Class C2).</p> <p>I note that within the Proposed CIL Rates Charging Schedule set out in Section 4 on page 8, the CIL rate for sheltered housing is either £100 per m² (high and medium value zone) or £0 (low value zone).</p> <p>I strongly believe that a nil rate across the Authority should also be applied to specialist accommodation such as retirement housing.</p> <p>It is not clear from the footnote on page 6 whether ordinary retirement homes such</p>	<p>A nil CIL rate should apply across the District to specialist accommodation such as retirement housing. It is unclear whether ordinary retirement homes would be exempt from CIL.</p> <p>Reference to C3 use classes should be added to Table 1.</p> <p>Recent Government guidance relating to requirements towards affordable housing and tariff-style planning obligations should be taken into account in the Council's CIL charging schedule.</p> <p>The District Council should recognise the important difference between retirement housing and general needs housing in their charging schedule.</p> <p>There is no reasonable justification for a</p>	<p>Comments noted but the Council's viability evidence suggests that these forms of development can accommodate a CIL charge.</p> <p>No alternative evidence has been supplied to demonstrate that the viability evidence is flawed in this regard.</p> <p>The second update EVA report (December 2016) concludes that sheltered housing and extra-care housing can afford to contribute CIL at a rate of £100 per m² across all three value zones (high, medium and low) whilst remaining viable.</p> <p>This is reflected in the revised draft charging schedule (January 2017).</p>	Draft charging schedule revised to include flat CIL rate of £100psm for sheltered housing and extra-care housing schemes across the District.

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>as those provided by Blue Cedar Homes would be exempt from CIL. Reference to 'C3 Sheltered/Retirement Houses' should be explicitly added to the residential rates on Table 1, page 8.</p> <p>Furthermore, the Government issued guidance set out in the NPPG, on 28 November 2014 which states that;</p> <p>'There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development [including]:</p> <ul style="list-style-type: none"> - contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm - in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. <p>In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty'</p> <p>As such, this recent guidance should be taken into account in the Council's CIL Charging Schedule.</p> <p>I note that in the report on the Examination of the Draft Hertsmere Borough Council Community Infrastructure Levy Charging Schedule, December 2013 (PINS1N1920/429/12), developers of specialist retirement housing, McCarthy and Stone and Churchill Retirement Living, and Hertsmere Borough Council recognised the important difference between retirement housing and general needs housing in their charging schedule.</p> <p>The same approach should be considered and taken by West Oxfordshire District Council in its CIL Charging Schedule.</p> <p>Currently, I believe there is no reasonable justification for a CIL charge on retirement housing in any area of the authority and, at the same level as general needs housing.</p> <p>I believe that a housing scheme which provides a real need for specialist housing, such as retirement dwellings, should be exempt from CIL, as well as affordable housing, similar to the C2 use class.</p> <p>It should also be recognised that by providing this type of housing for the elderly to downsize, larger family homes would become vacant. As a minimum, all forms of C3 retirement housing should be explicitly exempt from CIL.</p>	<p>CIL charge on retirement housing in any part of the District and at the same level as general needs housing.</p> <p>A scheme which provides a real need for specialist housing, such as retirement dwellings, should be exempt from CIL as well as affordable housing, similar to the C2 use class.</p> <p>It should also be recognised that by providing this type of housing for the elderly to downsize, larger family homes would become vacant.</p> <p>As a minimum, all forms of C3 retirement housing should be exempt from CIL.</p>	<p>It is not considered appropriate to refer explicitly to C3 uses in the draft charging schedule as in some instances extra-care housing may fall into a C2 use.</p> <p>Small-scale schemes of 10 or less units will not be required to provide affordable housing (other than in the AONB where schemes of 6-10 units will attract a financial contribution).</p> <p>There is nothing to suggest that CIL cannot be charged on small-scale schemes, indeed the whole ethos of CIL is to ensure all development contributes towards infrastructure provision (subject to viability).</p>	

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
11	East Witney Land Consortium		27	<p><u>Draft Charging Schedule</u></p> <p>The EWLC accepts that there is a funding gap in West Oxfordshire, as in many other Districts, and that the introduction of CIL will assist in addressing the identified funding shortfall.</p> <p>Table 1 of the draft Charging Schedule shows the fairly complex charging scheme proposed, with the applicable CIL rate varying, depending upon the type of residential accommodation proposed, the number of units, and the value zone in which the site is located.</p> <p>We note that the rates proposed have been changed since the publication of the previous draft CIL Charging Schedule (January 2014) and welcome the reduction in the CIL rate to £100 sq. m for developments of 11 or more units across the District.</p> <p>However, paragraph 173 of the NPPF states that:</p> <p>'The sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.'</p> <p>While the scale of the CIL payments has reduced, we do have specific concerns over the cumulative impacts of the CIL obligation with other obligations and policy burdens on the East Witney SDA.</p> <p>There are significant transport infrastructure demands identified in the submission draft Local Plan, as well as a range of other requirements, as set out below.</p> <p><u>Affordable Housing</u></p> <p>We note that the Council has reviewed its data on residential sale prices across the county, using Land Registry data, and that as a result of the review, has changed the value zone of OX28 properties from low value to medium value. The East Witney SDA is now located in the medium value zone. Draft Policy H3- Affordable Housing, requires provision of 40% affordable housing on developments of 11 or more units in the medium value zone.</p> <p>We do not believe that the limited evidence provided by the Council on house prices (over a relatively short period of time) justifies the movement of Witney from the low value to the medium value zone.</p> <p>The increased affordable housing requirement for the East Witney SDA will clearly have a negative impact on viability, although the flexibility in draft Local Plan Policy H3 (Affordable Housing), copied below, is recognised and supported.</p>	<p>The existence of a funding gap and the need for CIL is accepted.</p> <p>A complex charging scheme is proposed.</p> <p>The rates have changed since the preliminary consultation and the reduction in the CIL rate to £100 per sq. m for larger schemes is welcomed.</p> <p>Specific concerns in relation to the cumulative impact of CIL with other obligations and policy burdens on the East Witney SDA.</p> <p>The Council has provided limited evidence on house prices (over a relatively short period of time) and has not justified the movement of Witney from the low value to the medium value zone.</p> <p>The increased affordable housing requirement for the East Witney SDA will clearly have a negative impact on viability, although the flexibility in Policy H3 (Affordable Housing) is recognised and supported.</p> <p>The need for the Shores Green Slip Roads to enable delivery of the East Witney SDA is accepted however given that it is needed to alleviate existing traffic problems in and around Witney it could be delivered using CIL monies.</p> <p>Further financial demands are likely to be made through the Section 106 agreement for the East Witney SDA.</p> <p>The Council's draft Regulation 123 List identifies projects which are included in CIL although clarification should be provided on the specific infrastructure projects which would be funded by CIL.</p>	<p>The support expressed for the proposed reduction in CIL rate for larger schemes is noted.</p> <p>In relation to the East Witney SDA, the Council's viability evidence suggests that despite the cost of the Shores Green Slip Roads scheme and other supporting infrastructure, the scheme is capable of providing CIL at a rate of £100 per sq. m.</p> <p>The movement of Witney into the medium value area is considered to be justified based on the Council's evidence base. Importantly it was also supported by the CIL examiner in his preliminary findings of December 2015.</p> <p>Whilst Shores Green will have a number of wider benefits it is needed to directly mitigate the impact of housing development at East Witney and it is therefore considered that it should be delivered via a site-specific planning obligation rather than CIL.</p> <p>The Council's CIL Regulation 123 list is in the process of being amended to be more project-specific so that it is clearer which projects the Council intends to fund via CIL.</p> <p>The 123 list will be kept under review.</p>	<p>The Council's CIL Regulation 123 list is in the process of being amended to be more project-specific so that it is clearer which projects the Council intends to fund via CIL.</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>'In circumstances where it can be demonstrated that the level of housing being sought would make a scheme unviable, a revised mix and type of housing will be considered before a lower level of affordable housing is accepted....'</p> <p><u>A40 Shores Green Slip Roads</u></p> <p>The EWLC accepts the need for the SGSR to be delivered to enable delivery of the East Witney SDA. However, the SGSR is required to alleviate existing traffic problems in and around Witney, and could be delivered using CIL monies.</p> <p>As currently proposed, the East Witney SDA is burdened with the full cost of delivering the SGSR. The estimated cost of the SGSR, identified in Appendix 1, Part A of the Council's Infrastructure Delivery Plan is based on a 2011 estimate of £5.6m, although the cost of the project will have increased over the last 4 years.</p> <p><u>Oxford Hill/ Cogges Hill Road/ Jubilee Way Junction Improvements</u></p> <p>Appendix 1, Part A of the IDP also identifies that the East Witney SDA will fund improvements to the Oxford Hill/ Cogges Hill Road/ Jubilee Way junction through a S.106 funding agreement. The cost of these improvements is yet to be quantified.</p> <p><u>S.106 Agreement</u></p> <p>Further financial demands are likely to be made through the S.106 agreement for the East Witney SDA.</p> <p>The Council's draft Regulation 123 List identifies projects which are included in CIL although we seek clarification on the specific infrastructure projects which would be funded by CIL.</p> <p>In responding to the consultation on the submission draft Local Plan, the EWLC has commented that an increase in the scale of development planned at East Witney would aid development viability.</p>			
11	East Witney Land Consortium		28	<p><u>East Witney Viability Assessment</u></p> <p>In responding to the Preliminary Draft Charging Schedule, we made specific comment on Threshold Land Values and the Viability Assessment prepared by the EWLC and submitted to WODC on a confidential basis. We believe that many of the issues raised in our letter of 4th February 2014 remain pertinent, and for ease of reference, append a copy of the letter.</p> <p><u>Summary and Conclusion</u></p> <p>Our client welcomes the reduction in the CIL charges associated with developments of 11 units or more, and acknowledges the need for affordable housing in the District.</p>	<p>Welcome the reduction in the CIL charges for developments of 11 units or more and acknowledge the need for affordable housing in the District.</p> <p>The Council has not appropriately evidenced the change in the position of Witney from a low value zone to a medium value zone.</p> <p>The associated increase in the affordable housing requirement will have implications for the viability of the East Witney SDA.</p>	<p>The support expressed for the reduction in the CIL charge for larger developments is noted.</p> <p>In relation to the movement of Witney into the medium value zone, this was supported in the preliminary findings of the CIL examiner published in December 2015.</p> <p>In terms of the east Witney SDA, the Council's evidence does not suggest the position is marginal in terms of viability although it is accepted that</p>	No changes proposed.

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>We do not believe that the Council has appropriately evidenced the change in the position of Witney from a low value zone to a medium value zone.</p> <p>The associated increase in the affordable housing requirement (draft Policy H3 of the emerging Local Plan) will have implications for the viability of the East Witney SDA, particularly when considered alongside the other policy requirements (most notably delivery of the A40 Shores Green Upgrade).</p> <p>We believe that with appropriate assumptions (including in relation to Threshold Land Values) the viability of the East Witney SDA is marginal. This does not mean that the site is unviable, but we anticipate that at the detailed planning stage, compromises may need to be made in terms of the mix or percentage of affordable housing (as provided for under the terms of draft Policy H3).</p> <p>An increase in the level of housing provided on the East Witney SDA, either through a modification to the Local Plan, or at the planning application stage, would assist with viability and delivery of the Local Plan objectives, including in relation to affordable housing.</p>	<p>Viability of the East Witney SDA is marginal and at the planning application stage, compromises may need to be made in terms of the mix or percentage of affordable housing.</p> <p>An increase in the level of housing provided on the East Witney SDA would assist with viability and affordable housing delivery.</p>	<p>more detailed assessment would be required should a detailed scheme come forward.</p> <p>The comments relating to increased housing numbers on the east Witney SDA are noted and will be addressed through the local plan process.</p>	
12	Universities Superannuation Scheme (USS)	Deloitte	29	<p>On behalf of our client, Universities Superannuation Scheme Limited (USS), the owner of the Woolgate Shopping Centre in Witney Town Centre, we are writing to respond to the West Oxfordshire District Council Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) published for public consultation until 8 May 2015.</p> <p>USS welcomes the opportunity to comment on the DCS, having submitted representations on the Preliminary Draft Charging Schedule (PDCS) in February 2014.</p> <p>We acknowledge the change in the proposed CIL rates from the PDCS for retail development which has been modified and amended to £30 per sq m for Class A1-A5 uses in designated Town Centres as defined by the Local Plan.</p> <p>We do, however, seek further clarification on the DCS in regard to car parking. We note the DCS makes no reference to car parking, and there is therefore a lack of clarity on this use.</p> <p>We wish to refer the Council to two recent CIL examinations: LB Barnet and LB Southwark, where the issue of car parking has been previously raised.</p> <p>At LB Barnet, the Examiner requested in his CIL report that the Council 'clarify that car parking space within new development, including ancillary car parking, will not be subject to charge.' As a result and to clarify any ambiguity, the adopted charging schedule contained a footnote against all CIL rates as follows: 'excluding ancillary car parking'.</p> <p>At LB Southwark, car parking has been acknowledged as expensive to build and very often does not generate sufficient revenue to cover its costs. When commenting on the evidence prepared by the Council in his report, the Examiner requested the</p>	<p>The change in the proposed CIL rates for retail development is acknowledged. Further clarification is sought in the draft charging schedule in relation to car parking.</p> <p>Recommend that car parking is specifically excluded from the levy and that this modification is set out within a revised draft charging schedule, prior to submission.</p>	<p>Comments noted.</p> <p>It is acknowledged that further clarity regarding car parking could usefully be provided.</p> <p>A minor modification to this effect was proposed in September 2015 and has been taken forward into the revised draft charging schedule (January 2017).</p>	<p>Draft charging schedule revised to clarify that ancillary parking will not attract a CIL charge.</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>'express exclusion of 'town centre car parking provision''. The adopted charging schedule includes 'Town centre car parking' as a use and expressly states '£0psm'.</p> <p>We recommend that car parking is specifically excluded from the levy and that this modification is set out within a revised draft charging schedule, prior to submission to the Secretary of State for examination.</p>			
13	Ashley Maltman	Environment Agency	30	<p>Thank you for consulting the Environment Agency on West Oxfordshire District Council Community Infrastructure Levy (CIL) -Draft Charging Schedule.</p> <p>In making the below representations we have reviewed the following documents:</p> <p>West Oxfordshire District Council Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS), dated February 2015</p> <p>West Oxfordshire District Council Draft CIL Regulation 123 List, dated February 2015</p> <p><u>Community Infrastructure Levy (CIL) - Draft Charging Schedule</u></p> <p>We have reviewed the Draft Charging Schedule, and we have no detailed representations to make on the proposed charging schedules.</p> <p><u>Community Infrastructure Levy (CIL) - Regulation 123 List</u></p> <p>We have reviewed the Regulation 123 List and are pleased to see the inclusion of a category on 'Flooding and drainage' has been included within the Regulation 123 List.</p> <p>As such we have no further detailed comments to make on the Regulation 123 List.</p>	<p>No detailed representations to make on the proposed draft charging schedule.</p> <p>Welcome the inclusion of a category on 'Flooding and drainage' within the draft Regulation 123 List.</p>	Support noted.	No changes proposed.
14	Robert Niblett	Gloucestershire County Council	31	<p>GCC welcome the opportunity to comment on the WODC DCS. A CIL rate of £100 to £200 psm for residential developments is proposed.</p> <p>The transition to, and introduction of, a levy is supported in principle, subject to recognition of the range of infrastructure providers involved in delivering infrastructure for growth.</p> <p>From time-to-time there may be cases where CIL monies levied in adjoining authorities outside of Gloucestershire are required to be spent within GCC - e.g. for provision of schools or other community facilities.</p> <p>This may arise where development occurs at, or close to, administrative boundaries. In the same way that monies may be passed to Oxfordshire County Council, the draft Regulation 123 List would benefit from express mention of infrastructure</p>	<p>The transition to, and introduction of, CIL is supported in principle, subject to recognition of the range of infrastructure providers involved in delivering infrastructure for growth.</p> <p>There may be cases where CIL monies levied in adjoining authorities outside of Gloucestershire are required to be spent within Gloucestershire.</p> <p>The draft Regulation 123 List would benefit from express mention of infrastructure providers other than</p>	<p>Comments noted.</p> <p>It is acknowledged that there are additional parties who in some instances may receive CIL payments collected by West Oxfordshire District Council as charging authority including for example Oxfordshire County Council.</p> <p>As such, a minor modification was proposed in September 2015 to include reference to other additional providers of infrastructure who may</p>	<p>Draft charging schedule revised to include reference to other additional providers of infrastructure who may receive a proportion of CIL.</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>providers other than WODC through whom CIL monies may need to be spent.</p> <p>The Reg 123 List addresses the needs which may be required for spending within GCC, in a case where expansion or provision of infrastructure is required due to development within WODC administrative area. Para 2.26 explains how parish council monies can be spent.</p> <p>An explanation of other potential spenders of CIL money should be inserted here, with reference to Oxfordshire County and neighbouring authorities which provide infrastructure.</p>	<p>WODC through whom CIL monies may need to be spent.</p> <p>The draft charging schedule should include reference to other potential recipients of CIL including Oxfordshire County Council and neighbouring authorities.</p>	<p>receive a proportion of CIL.</p> <p>This has been taken forward into the revised draft charging schedule (January 2017).</p>	
15	Historic England	Historic England	32	<p>Thank you for your e-mail of 26th March advising Historic England of the consultation on your Council's Community Infrastructure Levy Draft Charging Schedule.</p> <p>As you will be aware we commented (as Historic England) on the Preliminary Draft Charging Schedule in January last year.</p> <p>In our letter we explained that we advised that CIL charging authorities identify the ways in which CIL, planning obligations and other funding streams can be used to implement the policies within the Local Plan aimed at and achieving the conservation and enhancement of the historic environment, heritage assets and their setting.</p> <p>We also explained that the Community Infrastructure Levy covers a wide definition of infrastructure in terms of what can be funded by the levy and is needed for supporting the development of an area, including open space (parks and green spaces and wider public realm improvements; 'in kind' payments, which could include the transfer of an 'at risk' building; and repairs and improvements to and the maintenance of heritage assets where they are an infrastructure item as defined by the Planning Act 2008.</p> <p>We also noted that the Localism Act 2011 also allows CIL to be used for maintenance and ongoing costs, which may be relevant for a range of heritage assets. We therefore suggested that the District Council should consider whether any heritage-related projects within West Oxfordshire would be appropriate for CIL funding.</p> <p>We suggested that your Local Plan's evidence base may demonstrate the specific opportunities for CIL to help deliver growth and in so doing meet the Plan's objectives for the historic environment.</p> <p>We are disappointed therefore not to see any specific reference to heritage assets or heritage-related projects in either the Draft 123 List or the Draft Charging Schedule, although we note that parks and gardens and cemeteries, which may be heritage assets, are included in the former.</p> <p>In our comments on the Preliminary Draft Charging Schedule we advised the Council</p>	<p>Disappointed not to see any specific reference to heritage assets or heritage-related projects in either the Draft 123 List or the Draft Charging Schedule, although note that parks and gardens and cemeteries, which may be heritage assets, are included in the former.</p> <p>CIL rates should not affect viability where proposals relate to the conservation of heritage assets.</p> <p>There should be exemptions from CIL in such cases through the use of exceptional circumstances relief.</p>	<p>The comments are noted.</p> <p>The Council's Regulation 123 list has been updated and made more 'project-specific' and will be published for consultation alongside the revised draft charging schedule (January 2017).</p> <p>The 123 list will be kept under review and is in the process of being updated to include specific projects where these have been identified as being necessary to support future growth.</p> <p>In relation to viability, the proposed CIL rates have been set well within the margins of viability which should help to avoid the need for discretionary relief from CIL being sought.</p> <p>This position will however be kept under review. The Government's practice guidance states that the powers to offer relief can be activated and deactivated at any point after the charging schedule is approved and as such the Council will continue to consider whether there is a need to offer this or any form of discretionary relief from CIL through the monitoring and review of CIL.</p> <p>Clarification over the timing of this has been added to the revised draft charging schedule (January 2017).</p>	<p>Draft charging schedule revised to provide additional clarification in relation to the future potential consideration of discretionary relief from CIL.</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>to be aware of the implications of any CIL rate on the viability and effective conservation of the historic environment and heritage assets in development proposals.</p> <p>For example, we said, there could be circumstances where the viability of a scheme designed to respect the setting of a heritage asset in terms of its quantum of development could be threatened by the application of CIL.</p> <p>There could equally be issues for schemes which are designed to secure the long term viability of the historic environment (either through re-using a heritage asset or through enabling development).</p> <p>We referred to paragraph 126 of the National Planning Policy Framework, which requires that local planning authorities set out, in their Local Plan, a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.</p> <p>In relation to CIL, we explained that this means ensuring that the conservation of its heritage assets is taken into account when considering the level of the CIL to be imposed so as to safeguard and encourage appropriate and viable uses for the historic environment.</p> <p>We considered (and still consider) it essential, therefore, that the rates proposed in areas where there are groups of heritage assets at risk are not such as would be likely to discourage schemes being put forward for their re-use or associated heritage-led regeneration. In such areas, we believe that there may be a case for lowering the rates charged.</p> <p>In addition, we encouraged the District Council to assert in their CIL Charging Schedules their right to offer CIL relief in exceptional circumstances where development which affects heritage assets and their settings may become unviable it was subject to CIL.</p> <p>We also urged the Council to then offer CIL relief where these circumstances apply and it is of concern to us that the District Council does not recognise such circumstances nor wish to offer such relief in them.</p> <p>Finally, I must note that this advice is based on the information provided by you and for the avoidance of doubt does not affect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the Charging Schedule and which may have adverse effects on the historic environment.</p>			
16	Natural England	Natural England	33	<p><u>CIL Draft Charging Schedule</u></p> <p>Natural England considers that there is potential for the Community Infrastructure Levy (CIL) to generate funding for strategic Green Infrastructure (GI) where the</p>	There is potential for the Community Infrastructure Levy (CIL) to generate funding for strategic Green Infrastructure	The support expressed for the CIL 123 list is noted. The list has been revised to provide additional clarity in relation to the infrastructure projects	Regulation 123 list being revised to provide

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>local authority recognises GI as being necessary to support development within their area (i.e. included within the Local Plan).</p> <p>The West Oxfordshire Core Strategy includes 'Policy EH2: Biodiversity and Policy EH3: Public Realm and Green Infrastructure'. These policies seek a net increase in GI and biodiversity and require that new development provide or contribute towards the provision of necessary improvements to the District's multi-functional network of GI.</p> <p>Therefore, Natural England supports the specific provision for 'Natural green space and green corridors including rivers, parks and gardens, allotments and cemeteries' in the Draft CIL Regulation 123 list.</p> <p>Within Annex I of the West Oxfordshire Infrastructure Delivery Plan the GI projects are divided into 'Biodiversity and Green Infrastructure Projects' and 'Informal and Formal Open Space'.</p> <p>Natural England advises that biodiversity can be incorporated into informal and formal open space, particularly within the projects 'Extension of Country Park, Carterton' and 'Informal open space', where we would expect an increase in biodiversity to be one of the objectives.</p>	<p>(GI).</p> <p>Natural England supports the specific provision for 'natural green space and green corridors including rivers, parks and gardens, allotments and cemeteries' in the Draft CIL Regulation 123 list.</p> <p>The IDP divides potential GI projects into 'Biodiversity and Green Infrastructure Projects' and 'Informal and Formal Open Space'. Natural England advises that biodiversity can be incorporated into informal and formal open space.</p>	<p>that the Council proposes to spend CIL revenue on.</p> <p>The comments relating to the IDP are also noted and it is acknowledged that biodiversity can be incorporated into informal and formal open space.</p>	<p>additional clarity by focusing more on specific projects.</p>
17	Oxfordshire County Council	Oxfordshire County Council	34	<p>1. The County Council supports the need for a Community Infrastructure Levy (CIL) for West Oxfordshire and welcomes West Oxfordshire District Council's intention to introduce the levy.</p> <p>2. The basis for introducing the CIL is the need for new development to provide funding in order to mitigate its impact on the local community. As a significant impact of any new development is on the services and infrastructure provided by the County Council, we would welcome an early discussion with the District Council to agree the mechanism for allocating funds raised through the levy.</p> <p>3. As part of those discussions there will be a need to agree a protocol that will govern the arrangements by which the District Council transfers funds to the County Council in order to invest infrastructure and services that are jointly agreed priorities. The County Council has an agreed working protocol with Oxford City Council that we suggest could form the basis of a suitable protocol with the District Council.</p> <p>4. The County Council strongly encourages WODC to make provisions for the payment of the levy by instalments: requiring payment in full within 60 days of the commencement of development potentially acts as a barrier to development.</p> <p>5. The introduction of the Community Infrastructure Levy is critical to securing contributions towards the cost of infrastructure and services provided by the County Council that arise from new development in West Oxfordshire. The County Council will continue to work closely with the District Council in identifying the</p>	<p>Support the introduction of CIL in West Oxfordshire and would welcome early dialogue to agree the mechanism for allocating funds raised through the levy.</p> <p>A protocol is likely to be needed to govern these arrangements.</p> <p>Support the use of an instalments policy.</p> <p>The County Council will continue to work closely with the District Council in identifying priorities for the Regulation 123 list.</p>	<p>The support expressed for the introduction of CIL is noted and the District Council is willing to enter into discussions regarding the potential transfer of funds as well as working with the County Council to identify priorities for potential CIL expenditure.</p> <p>It is accepted that an instalment policy should be introduced to ease cash flow. This is reflected in the revised draft charging schedule (January 2017).</p> <p>The support in relation to the 123 list is welcomed and the District Council has worked closely with the County Council in refining the list.</p>	<p>Draft charging schedule revised in relation to the payment of CIL by instalments.</p> <p>Regulation 123 list revised to provide additional clarity by focusing more on specific projects.</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				priorities for the Regulation 123 list.			
17	Oxfordshire County Council	Oxfordshire County Council	35	6. The County Council is pleased to see that there will be a CIL charge for development of small scale residential schemes (1-5 dwellings).	Support a CIL charge being applied to small residential schemes of 1-5 dwellings.	Support noted. This approach has been carried forward into the revised draft charging schedule (January 2017).	No changes proposed.
17	Oxfordshire County Council	Oxfordshire County Council	36	<p>7. The County Council is concerned that the office and industrial uses are proposed to be exempted from CIL. These types of development have a significant impact on local infrastructure (particularly highway/transport) and should contribute towards mitigating their impacts. The County Council therefore requests the District Council to consider the charging of CIL from these developments.</p> <p>9. The County Council agrees that CIL should not be levied on D1 uses. This reflects the fact that the majority of D1 land uses will involve an element of public subsidy. To apply the CIL on such proposals would in effect add additional and unnecessary cost to publicly funded development.</p>	<p>Office and industrial uses have a significant impact on local infrastructure and should not be exempt from CIL.</p> <p>Agree that CIL should not be levied on D1 uses which often involve an element of public subsidy.</p>	<p>The comments in relation to the zero CIL charge for office and industrial development are noted however, the Council's viability evidence suggests that such forms of development are not able to contribute towards CIL for reasons of viability. This has been confirmed in the most recent second update EVA report (December 2016).</p> <p>The Council's CIL charges will however be kept under review and the potential application of CIL to office and industrial uses will be considered should future evidence on development viability support it.</p> <p>The support expressed for the exemption of D1 uses is noted. This approach has been taken forward in the revised draft charging schedule (January 2017).</p>	No changes proposed.
17	Oxfordshire County Council	Oxfordshire County Council	37	8. The County Council is also pleased to see that the charging rate for sheltered housing is proposed to be reduced and less onerous than the earlier consultation.	Support the proposed reduction in the CIL charge for sheltered housing.	Support noted. The most recent second update EVA report (December 2016) suggests that supporting living uses including sheltered housing and extra-care housing can sustain a CIL charge of £100 per m ² .	Draft charging schedule revised to include CIL rate of £100per m ² for supported living uses.
17	Oxfordshire County Council	Oxfordshire County Council	38	<p>10. The County Council encourages WODC to develop a Planning Obligations SPD to clarify the relationship between S106 and CIL once a CIL is introduced.</p> <p>11. The introduction of the Levy is taking place at a particular stage of economic cycle. It is highly likely that the evidence base for the introduction of CIL will change in short to medium term.</p> <p>The County Council therefore strongly encourages WODC to formally commit to an early review of the scheme (within 2 years of its introduction). It will be also good</p>	<p>The District Council should develop a planning obligations supplementary planning document to clarify the relationship between S106 and CIL.</p> <p>The District Council should formally commit to an early review of CIL (within 2 years of its introduction) and ongoing</p>	<p>Comments noted.</p> <p>The District Council is in the process of preparing a 'developer contributions' SPD to explain the role of planning obligations, CIL and planning conditions in securing future infrastructure provision including affordable housing.</p>	Minor wording change proposed to the draft charging schedule to clarify that the

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				if WODC commits to undertake regular reviews of the scheme (no more than 3 years intervals).	regular reviews of the scheme (no more than 3 years intervals).	In relation to the review of CIL, it is accepted that an early and ongoing review process would be beneficial.	District Council will commence an early review of the schedule (within 2 years of the date of adoption) plus and ongoing review process at no more than 3-yearly intervals.
18	Claire Hambleton	Persimmon Homes Wessex	39	<p><u>Introduction</u></p> <p>Firstly, Persimmon Homes (Wessex) welcomes the opportunity to submit representations to assist the Council in the production of their Community Infrastructure Levy (CIL) Charging Schedule and Regulation 123 List, both of which will play a pivotal role in the future planning and delivery of infrastructure in the district over the upcoming plan period. Please treat this as our formal submission duly made within the required timescales.</p> <p>In addition to introducing CIL, West Oxford District Council is also in the process of establishing a new Local Plan.</p> <p>The pre-submission Local Plan is currently undergoing consultation for a 6 week period from Friday 27 March until 5pm on Friday 8 May. Once adopted the Plan will cover the period up to 2031 and replace the existing West Oxfordshire Local Plan which was adopted in 2006. It is therefore important that the two processes are reflective and supportive of one another.</p> <p><u>Housing delivery</u></p> <p>The pre-submission Local Plan proposes an overall housing requirement of 10,500 homes.</p> <p>The Plan also recognises that only a small proportion of new homes have been delivered in the period 2011-2014 at just 823 dwellings. This is considerably short of the Plan target of 525 per year. Additionally the Council has identified a number of existing commitments (4,333). To supplement existing commitments, the Plan proposes the allocation of an additional 2,200 units across the district.</p> <p>Subsequently, given the importance of the strategic sites to the delivery of the emerging Local Plan, it is essential that their viability is not threatened by the</p>	<p>It is important to avoid threatening the viability of strategic sites given their importance to the local plan. WODC should apply caution in setting CIL rates.</p> <p>Concern raised in relation to the scale of S106 contributions which will continue to be sought alongside the proposed CIL rates. The Council's evidence assumes a S106 payment of £10,000 per dwelling, in reality this is likely to be higher, thereby undermining viability.</p> <p>Question the blanket application of a CIL rate of £100psm given the lower residual land value identified for north Witney.</p> <p>A more reasonable charge which does not undermine the objectives of the plan should be set.</p> <p>The intention to require any CIL payment to be made within 60 days of the commencement of development will potentially render sites unviable.</p> <p>The Council should publish an instalments policy before the levy is introduced.</p> <p>The Draft 123 list as presented is not clear and will likely lead to situations</p>	<p>Comments noted.</p> <p>The importance of avoiding threats to development viability is fully acknowledged.</p> <p>The modelling assumption of £10,000 per unit for continue S106 payments is considered to be robust in light of the fact that most of the items identified in the Council's supporting evidence will in future be funded via CIL (unless specifically related to a site).</p> <p>In relation to north Witney, whilst the viability assessment identifies a lower return to the landowner, this is unsurprising given the relative infrastructure costs associated with the scheme.</p> <p>The application of a CIL rate of £100 psm is considered to be reasonable in light of the evidence available.</p> <p>The comments made in relation to the use of an instalments policy are noted and similar comments have been made by a number of other respondents.</p> <p>It is accepted that the Council should</p>	<p>Minor amendment proposed to the DCS to refer to the payment of CIL by instalments.</p> <p>A separate instalments policy will be published in due course.</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>introduction of CIL.</p> <p>Given the clear history of under-delivery of new housing across the district as evidenced above, Persimmon Homes would encourage the Council to express caution in setting CIL rates that make development sites unviable, and stymie the delivery of much needed housing.</p> <p>The National Planning Practice Guidance (PPG) states that those charging authorities wishing to introduce the levy should propose a rate which does not put at serious risk the overall development of their area, and should use their evidence base to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the levy upon the economic viability of development across their area.</p> <p>This guidance is supported by National Planning Policy Framework (NPPF) which sets out that the sites and scale of development identified in the Plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.</p> <p>Paragraph 173 further states that to ensure viability, the costs of any requirements likely to be applied to development should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable. It is further stated at paragraph 175 of NPPF that the Community Infrastructure Levy should 'support and incentivise new development'.</p> <p>Therefore, the charge should whilst contributing to the delivery of much needed infrastructure projects, not hinder the delivery of development. The setting of overly onerous obligations would be contrary to the principles of the NPPF and the delivery of housing to meet the identified needs of the district.</p> <p><u>Viability assessment</u></p> <p>It is recognised that the ability to seek S106 contributions remains under CIL. However, concern is raised about the scale of S106 contributions which will continue to be sought which, alongside the proposed CIL rates, could render the delivery of housing sites difficult.</p> <p>Table 5.17 of the Aspinall Verdi Viability Study (February 2015) sets out the various contributions which are likely to be sought from CIL and S106. It is noted that table 5.17 includes a figure of £4,094.64 (per dwelling proxy) for primary school provision.</p> <p>However, the Draft CIL Regulation 123 list, submitted alongside this consultation, states that provision of education facilities which are directly related to the development will be sought by S106 or alternative measures. This approach is repeated throughout the Draft Regulation 123 List for example social infrastructure includes 'older persons' day care' which is listed as being sought via CIL within the</p>	<p>where a contribution is being sought twice for items on the list.</p>	<p>introduce an instalments policy to ease cash flow.</p> <p>The comments made in relation to the Regulation 123 list are noted but the Council's approach mirrors that taken by a large number of other local authorities.</p> <p>Provided that any planning obligations are restricted to infrastructure projects needed to mitigate the specific impact of an individual development, there is no prospect of double counting with the developer paying twice for the same item of infrastructure.</p>	

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>viability study.</p> <p>This approach does not compare with the published I23 List which states that the provision of social facilities which are directly related to a development will be sought by S106.</p> <p>The viability study states that 'It is important to note that these scheme typologies include an allowance of £10,000 per unit for site specific S106/S278 to accommodate additional infrastructure requirements - notwithstanding that much of the infrastructure could be funded by CIL (see Table 5.17 in section 5) and/or external works allowances.</p> <p>This is to ensure that there is no 'double-dipping'. Regrettably, it appears that the Council has not considered the implications of what appears to be a somewhat non prescript I23 List with regard to the allowance of £10,000 per unit.</p> <p>In reality it appears that the Council will in all probability seek far greater contributions via S106 which will undermine site viability.</p> <p>The viability results (Table 10.1) show a positive RLV for all of the strategic development areas (SDA).</p> <p>However, North Witney falls below the TLV of £225K per acre. Despite this shortfall the study suggests a blanket CIL rate of £100psm regardless of the value area. This approach appears at a discord to the NPPF which states that sites identified in the Plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.</p> <p>The viability study states that 'there is clearly scope for the scheme to be viable either on the basis of a lower TLV or through negotiation over the package of planning obligations to be sought e.g. the percentage of affordable housing which has a significant effect on gross development value.' A more sensible approach would be to set a level of contribution which does not undermine the objectives of the Local Plan before it is even examined. It is therefore considered that as presented the Draft Charging Schedule including the I23 List is not reflective and consistent with, the evidence on economic viability across the charging authority's area.</p> <p><u>CIL payments</u></p> <p>The Draft Charging Schedule states that 'Further consideration will be given to the option of paying by instalments and if the Council considers that an instalment policy should be introduced, this will be made available including on the Council's website.'</p> <p>It is considered that the intention to require any CIL payment to be made within 60</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>days of the commencement of development will potentially render sites unviable.</p> <p>The viability assessment appears silent in relation to this matter which raises further concern with regard to the implementation of the levy. The Council should consider this matter and publish an instalments policy before the levy is introduced to ensure the viability of schemes is not undermined.</p> <p>Planning Practice Guidance states that 'Where the levy is in place for an area, charging authorities should work proactively with developers to ensure they are clear about the authorities' infrastructure needs and what developers will be expected to pay for through which route. There should be not actual or perceived 'double dipping' with developers paying twice for the same item of infrastructure.'</p> <p>As aforementioned it is considered that the Draft 123 List as presented is not clear and will likely lead to situations where a contribution is being sought twice for items on the list.</p>			
19	North Witney Land Consortium	Savills	40	<p>This representation is submitted by Savills (UK) Limited (hereafter known as 'Savills') in respect of the West Oxfordshire District Council ('WODC') Community Infrastructure Levy ('CIL') Draft Charging Schedule ('DCS') consultation, on behalf of the following (in alphabetical order):</p> <p>Cranbrook Construction Jack Moody Developments Gleeson Developments Ltd Meridian Strategic Land Ltd Taylor Wimpey Ltd</p> <p>The parties listed above are the Consortium interests promoting the site at North Witney, hereafter known as the 'Consortium'.</p> <p>The Consortium are jointly promoting land which forms the North Witney SDA, which is allocated for housing development within WODC's emerging Local Plan. The Consortium has concerns with the rates proposed by WODC, notably regarding the viability of the proposed rates for residential development of Strategic Sites. The rate of CIL is therefore of critical importance to the Consortium.</p> <p><u>1.1. Purpose</u></p> <p>The purpose of this representation is to set out our responses to the DCS which has been published for consultation from 27th March to 8th May 2015. This consultation follows the Preliminary Draft Charging Schedule ('PDCS') consultation which concluded on 5th February 2014.</p> <p>This representation is intended to supplement the comments previously submitted to WODC and does not reiterate our representations submitted to the PDCS in full.</p>	<p>Representation submitted on behalf of developer consortium jointly promoting the strategic site allocation to the north of Witney.</p> <p>Concerns raised in relation to the proposed CIL rate for strategic sites including north Witney.</p> <p>Representations build on previous comments submitted during the preliminary draft consultation stage.</p> <p>Representations made in the context of the CIL (amendment) regulations 2015 and statutory guidance as amended (April 2015).</p> <p>The update of the Council's viability evidence is welcomed, however a number of key areas of contention have not been re-appraised.</p> <p>The Council must understand the trade-offs between affordable housing, S106 contributions and CIL and adopt a clear position in this regard.</p> <p>Savills research demonstrates that the ability to pay CIL is largely determined by</p>	<p>The comments are noted and the relationship between CIL and planning obligations including affordable housing is fully acknowledged and understood.</p> <p>Whilst the guidance allows for differential rate setting on strategic sites and a number of authorities have chosen to zero rate such developments, this approach is not universal and other authorities have demonstrated through their viability evidence that strategic sites can contribute towards CIL alongside other necessary planning obligations including affordable housing.</p> <p>Whilst national guidance and legislation seeks to avoid the prospect of 'double-dipping' whereby the developer pays twice for the same item of infrastructure, there is nothing to suggest the planning obligations cannot be sought alongside CIL, indeed there is an expectation that the two types of developer contribution will co-exist.</p> <p>This is of course subject to viability and some authorities have chosen to</p>	<p>A minor amendment is proposed to the DCS to refer to the possibility of land and/or infrastructure being provided, instead of money, to satisfy a charge arising from CIL.</p> <p>A further minor amendment is proposed to the DCS to confirm that the Council will give consideration to the need for discretionary CIL relief as</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>This representation is focused on key points of contention and the updated viability evidence. We have built upon the key issues we have previously raised and, where available provides further evidence to support these concerns. The Consortium's particular comments relate to the proposed rates for residential development.</p> <p>Our consultation response to the PDCS is attached at Appendix 2 (See Attached).</p> <p><u>1.2. Legislation</u></p> <p>It should be noted that this representation is made in the context of the Community Infrastructure Levy (Amendment) Regulations 2015 (the Regulation) and relevant statutory guidance (April 2015 (as amended)).</p> <p>These regulations and associated guidance came into force on 1st April 2015. The DCS will therefore be subject to the requirements of the latest regulations and guidance.</p> <p><u>1.3. Preliminary Draft Charging Schedule</u></p> <p>Following the Preliminary Draft Charging Schedule consultation, we note that WODC and Aspinall Verdi (AV) have updated there DCS and Viability Evidence taking into consideration the comments from the consultation on the PDCS. We welcome these changes and update of evidence and assumptions.</p> <p>However, the Consortium are concerned that a number of well evidenced and credible areas of contention have not been reappraised, and the strategic sites are still subject to a CIL levy.</p> <p><u>1.4. Overview</u></p> <p>Savills has been asked on behalf of the Consortium to scrutinise the available evidence, notably in respect of the North Witney Strategic Development Area. The objective is therefore to ensure a reasonable rate of CIL, which allows for policy requirements for sustainability and affordable housing, and also importantly, the level of anticipated residual Section 106 / 278 and other site specific infrastructure.</p> <p>Our client's particular comments primarily relate to the proposed rates for residential development. We have reproduced AV viability appraisal for North Witney, and propose to use this as an example to demonstrate that the Strategic Sites should be zero rated.</p> <p><u>1.5. Savills Research - The 'Three-Way Trade Off'</u></p> <p>Viability is at the forefront of Local Plan and CIL testing. It is therefore important that the Council fully understands the trade-offs that occur between affordable housing, Section 106 contributions and CIL, and adopts a clear position in this regard.</p> <p>Savills has published research that assesses the impact of CIL on development</p>	<p>the strength of the local housing market with stronger markets increasing the 'pot' available.</p> <p>The ability of greenfield sites to support CIL, affordable housing and S106 will be easier in those areas where higher sales values are achieved.</p> <p>Over 30 LPAs have set a £0 CIL rate for strategic sites (e.g. Cambridge City Council and Winchester City Council). The CIL guidance allows for differential rates to be set for strategic sites and WODC should adopt this approach setting a £0 rate.</p> <p>Developer interest and site delivery should not be compromised by CIL particularly when reliance is placed on a number of large sites.</p> <p>All strategic sites should be zero rated which would also help to ensure a 5-year housing land supply.</p>	<p>exempt strategic sites from CIL or apply a lower rate because of the large planning obligations likely to be sought on such schemes. This is not however universal and every approach must be based on local evidence of viability.</p> <p>The Council's updated evidence has tested the viability of the strategic sites allocated in the pre-submission draft local plan and concluded that there is scope to seek CIL alongside planning obligations. Two different scenarios have been tested – a 'with and without' CIL scenario.</p> <p>The results suggest there is scope to charge these larger sites CIL at a rate of £100 per m2 alongside affordable housing and other planning obligations.</p> <p>The second update EVA report demonstrates that the North Witney SDA is viable with CIL at a rate of £100psm alongside other expected infrastructure costs.</p> <p>Further more detailed viability will be required as these strategic sites are worked up into planning applications.</p> <p>A minor amendment is proposed to the DCS to allow for the possibility of payment of land and/or infrastructure in kind.</p> <p>This will be taken into account as part of any detailed negotiation regarding the package of infrastructure needed to support the strategic sites.</p> <p>The Council will also keep the need for discretionary relief from CIL under review.</p>	<p>part of the ongoing monitoring and review of CIL.</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>viability, notably the delivery of affordable housing (CIL - Getting it Right, Savills (UK) Ltd, January 2014).</p> <p>This research, which is included at Appendix I (Attached), demonstrates the trade-off required to enable a deliverable five year housing land supply, in respect of the level of CIL balanced against affordable housing provision. The key finding of the report is that 'For local planning policies to be viable, there is a <u>three way trade-off between the costs of CIL, Section 106 funding of infrastructure and affordable housing policy</u>, with the costs of local standards and the move to zero carbon being additional costs to be factored into the trade-off' (emphasis added).</p> <p>The research notes that the ability of an area to afford CIL largely depends on the strength of its housing market. Where the housing market is stronger (higher £ per sq ft) the total 'pot' available for these contributions is higher.</p> <p>In contrast, lower value areas see reduced viability and subsequently a reduced 'pot'. It therefore becomes a question for local authorities to consider what the appropriate trade-off should be, taking into account adopted affordable housing policies.</p> <p>The viability of Greenfield sites is largely driven by the strength of the local housing market. The ability of Greenfield sites to support CIL, affordable housing policy and Section 106 will subsequently be easier in those Local Authorities where higher sale values are achieved.</p> <p>However, it is worth noting that over 30 Local Authorities have taken a pragmatic approach to CIL, choosing to set a £0 per sqm CIL rate for their strategic sites. For example, Cambridge City Council and South Cambridgeshire District Council which have submitted their Charging Schedules for Examination and Winchester City Council who has adopted their Charging Schedule, have all adopted a £0 per sq m CIL rate for the strategic sites allocated in their respective Local Plans.</p> <p>In this case, all Councils recognised the importance of the delivery of these sites to the housing supply and supported their rates with further fine-grain viability work, which established that these sites would be unable to support a CIL rate in addition to policy compliant affordable housing and large 'site mitigation' Section 106 contributions.</p> <p>We are therefore extremely concerned that WODC have not assessed any Strategic site to deliver £0 per sq m of CIL as 'a zero CIL rate for strategic sites offers the greatest flexibility to use Section 106 to fund infrastructure and mitigate site impact' (CIL - Getting it Right, Savills (UK) Ltd, January 2014). An approach recognised by the CIL Guidance, which gives Authorities the ability to set differential rates for strategic sites, to reflect specific viability circumstances.</p> <p>The guidance also makes it clear that 'If the evidence shows that the area includes a zone, which could be a strategic site, which has low, very low or zero viability, the charging authority should consider setting a low or zero levy rate in that area.' (CIL Guidance, Paragraph 021, Reference ID: 25-021-20140612, CIL Guidance (revision</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>date 12th June 2014))</p> <p>It is prudent to ensure that the potential developer interest and subsequent delivery of strategic sites would not be compromised by the introduction of CIL. When relying on a number of large sites, there is little margin for error and one site not coming forward would result in a significant shortfall in the delivery of housing.</p> <p>We would therefore recommend that all strategic sites, required to achieve both the five year land supply and total housing numbers over the Plan period, are zero rated to maximise the potential of these sites coming forward in the required timeframe to meet the Local Authority's housing need.</p> <p>In the DCS published for consultation in the period 27th March 2015 to 8th May 2015, WODC has proposed the following CIL rates: (See Attached)</p> <p>As discussed above, our comments relate to the proposed CIL rates for residential development. In submitting this representation, the Consortium is only commenting on particular key areas of the evidence base.</p> <p>The lack of reference to other parts of the evidence base cannot be taken as agreement with them and the Consortium reserves the right to make further comments upon the evidence base at the Examination stage.</p>			
19	North Witney Land Consortium	Savills	41	<p><u>2.1. The Development Plan & Housing Delivery</u></p> <p>The current development for West Oxfordshire District Council comprises the Local Plan (adopted 2006). The Council is currently preparing its replacement Local Plan 2031 and is currently undergoing public consultation on the Pre-Submission stage. The West Oxfordshire Local Development Scheme 2015 - 2018 states that submission of the Local Plan to the Planning Inspectorate is anticipated in May 2015 with adoption in March 2016, although this deadline has now slipped.</p> <p>The Council has published its position on five year housing land supply resulting from the adoption of the emerging Local Plan (Cabinet Report, February 2015). This states that the Council will be able to demonstrate between a 5.6 year housing land supply (using the Sedgfield methodology) and 7.6 years (using the Liverpool methodology).</p> <p>However in an appeal decision issued in December 2014 (APP/D3125/A/14/2213853 - Land at West Farm, off Churchill Road, Chipping Norton, Oxfordshire) the Planning Inspector stated the Council cannot demonstrate a five year housing land supply and the report sets out that it is between 2 - 3 years. It is therefore vital that the proposed CIL rates do not add to the difficulty in remedying the housing land supply position which underpin the policies of the emerging Local Plan 2031.</p> <p><u>2.1.1. Emerging Housing Requirement</u></p> <p>The emerging Local Plan 2031 is seeking 10,500 homes to be delivered within this period. It should be noted that this is significantly lower than the recommendations set out in the Oxfordshire Strategic Housing Market Assessment (SHMA) which</p>	<p>The Council does not have a 5-year housing land supply. It is vital that the proposed CIL rate does not exacerbate this situation.</p> <p>The proposed local plan housing target is much lower than the recommendation in the Oxfordshire SHMA.</p> <p>Reliance is also placed on a number of strategic sites to deliver the target and the Council must recognise the importance of housing delivery of these types of site.</p> <p>Other Councils have supported their charging schedules with fine grain analysis on strategic sites which confirmed an inability to pay CIL alongside other contributions including affordable housing.</p> <p>The Council is also reliant on windfall developments and adequate testing of smaller sites is therefore needed alongside testing of the strategic sites.</p> <p>To avoid uncertainty, the Council's</p>	<p>The Council's most recent housing land supply position statement (October 2016) confirms that the Council does have a 5-year housing land supply. Notwithstanding this is acknowledged that CIL rates should not be set at a level that would jeopardise housing delivery.</p> <p>The importance of delivering strategic development areas in particular is fully acknowledged and is reflected in the proposed application of a lower CIL charge of £100psm.</p> <p>The Council has undertaken a fine grain analysis consisting of a detailed viability assessment of all of the strategic sites.</p> <p>This has factored in the payment of CIL alongside other planning obligations including affordable housing provision.</p>	<p>Minor amendment proposed to the draft charging schedule to include a clear commitment to the regular monitoring and review of CIL.</p> <p>Draft Regulation 123 list being revised to be more 'project-specific'.</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>recommends that 13,200 homes are provided between 2011 - 2031. This reduction in provision is made in response to concerns raised by the Council over the methodology used within the SHMA. The emerging Local Plan seeks to deliver new housing through the following strategy:</p> <p>Witney Sub-Area - 3,700 homes; Carterton Sub-Area - 2,600 homes; Chipping Norton Sub-Area - 1,800 homes; Eynsham - Woodstock Sub-Area - 1,600 homes; Burford - Charlbury Sub-Area - 800 homes</p> <p>Each of these sub-areas identifies a Strategic Development Area (SDA) where significant new housing will be allocated. These are as follows:</p> <p>Witney Sub-Area - Two SDAs north and east of Witney delivering approximately 1,400 homes;</p> <p>Carterton Sub-Area - REEMA Central SDA delivering approximately 200 homes (allocated for service personnel and open market);</p> <p>Chipping Norton Sub-Area - Tank Farm SDA delivering approximately 500 homes (as part of a mixed-use development);</p> <p>Eynsham - Woodstock Sub-Area - No SDA identified at this stage;</p> <p>Burford - Charlbury Sub-Area - No SDA identified at this stage.</p> <p>The Council must recognise the importance of housing delivery of these types of sites to the housing supply. Other Councils have supported their DCSs with further fine-grain viability work on strategic sites, which established that these types of sites would be unable to support CIL in addition to policy compliant affordable housing and large 'site mitigation' Section 106 contributions.</p> <p><u>2.1.2. Windfall Sites</u></p> <p>WODC will also rely on windfall development to help meet their housing targets as stated within paragraph 5.23 of the emerging Local Plan 2031, including provision for 125 homes per year (or 2,000 homes through the Plan period) to be provided through potential windfalls. Paragraph 48 of the NPPF sets out Planning Authority's requirements in regards windfall development and states:</p> <p>'Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.</p> <p>Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.'</p>	<p>Regulation 123 list must be clear about what infrastructure is proposed to be funded via CIL.</p> <p>The consortium has concerns about the clarity and transparency of the draft Regulation 123 list. Other Councils have identified specific infrastructure projects to be funded by CIL.</p> <p>The changes to national policy on the threshold for affordable housing provision should be taken into consideration.</p> <p>Regular monitoring is required to ensure any detrimental impact on housing delivery is noted and remedied. A review period should be publicly committed by the Council.</p>	<p>The viability testing that has been undertaken includes a number of small-scale residential schemes to provide a good understanding of the ability of such schemes to sustain a CIL payment alongside other potential planning obligations including affordable housing (where applicable).</p> <p>The Council's draft Regulation 123 list is being revised to be more project-specific in order to ensure greater clarity over what CIL revenue will be used for.</p> <p>The changes to national policy on affordable housing provision have been fully taken into account and are reflected in the proposed CIL rates and affordable housing commuted sum (where applicable).</p> <p>It is acknowledged that CIL will need to subject to regular monitoring and review.</p> <p>It is therefore proposed to amend the draft charging schedule to include reference to regular monitoring and review (at least every 3-years).</p>	

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>It is important therefore that adequate testing is undertaken across a range of smaller development scenarios, with a range of values and affordable housing levels, in addition to the testing required for the identified strategic greenfield sites to protect delivery through these types of development.</p> <p><u>2.1.3. CIL / Section 106 Relationship</u></p> <p>Regulation 123 of the Community Infrastructure Levy Regulations (as amended) requires Charging Authorities to set out a list of infrastructure projects that it intends to fund, wholly or partly, through the levy. It is therefore a key component of the CIL process. A Regulation 123 List only acts in law to restrict the use of planning obligations.</p> <p>The Council's draft Regulation 123 List identifies broad infrastructure categories which are to be funded by CIL, including transport, education, health, sports and recreation, green infrastructure, social infrastructure, public services and environmental infrastructure (for example flood mitigation).</p> <p>A list of exclusions is also included alongside the draft Regulation 123 list which indicates both specific and generic infrastructure to be funded by Section 106 / 278 instead.</p> <p>The Planning Practice Guidance for CIL(Paragraph 097, Reference ID 25-097-20140612, Planning Practice Guidance, November 2014) states that when a levy is introduced, Section 106 requirements must be scaled back to those matters that are 'directly related to a specific site'.</p> <p>It is therefore of paramount importance that the Regulation 123 List is clear in specifying the infrastructure projects that are to be funded by CIL.</p> <p>To avoid uncertainty for developers, it is essential that the drafting of the Regulation 123 list avoids 'double dipping' i.e. a situation where a development is required to contribute to the same infrastructure project by way of its CIL liability and Section 106 obligations.</p> <p>Despite the supporting text stating that it seeks to 'avoid the possibility of 'double-charging' a landowner/developer twice for the same piece of infrastructure' the Consortium has concerns on the List's overall clarity and transparency.</p> <p>The List includes a column of infrastructure which is to be excluded from CIL funding and instead wholly or partly funded by Section 106 obligations. Whilst in principle this is a helpful way to set out the List, its drafting is vague and is likely to result in uncertainty for developers and Officers alike. It is difficult to be certain about what would be charged for under CIL and likewise under Section 106.</p> <p>This issue was recently identified by Mr Philip Staddon in his assessment of the Dacorum Borough Council CIL Charging Schedule(report to Dacorum Borough Council, October 2014, PINS/LDF01588) –</p> <p>*The Regulation 123 list includes a column of exclusions, identifying infrastructure</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>that will be secured through S.106 Planning Agreements or other mechanisms. Whilst this is a helpful idea, I found the drafting to be a little misleading and, on some projects, it could give the impression of 'double dipping' where a developer could be perceived to be making two separate contributions for the same type of infrastructure' (Paragraph 13).</p> <p>He goes on to recommend that the Council revises its drafting and reporting arrangements to ensure that this is no actual, or perceived, 'double dipping'.</p> <p>Other Councils have identified specific infrastructure projects to be funded by CIL and this seems to be a clearer way of setting out the List, providing certainty for the development industry.</p> <p>We therefore call for the List to be re-drafted to offer a clearer distinction between what is to be funded by CIL and Section 106/278 Agreements. Housing delivery is likely to be threatened unless clarity can be provided for developers, and they are not unduly burdened by double dipping and increased infrastructure costs.</p> <p><u>2.1.4. Affordable housing / Section 106: 10 or less unit schemes threshold</u></p> <p>The effect of this recent Government guidance on small scale typologies is worthy of consideration. Whilst, the likely CIL rate may increase (as no affordable housing would be secured), the Consortium is keen that the 'fair share' principle applies for CIL, and that adequate funding is obtained for all sources to deliver the infrastructure needed. In this regard, the CIL Regulations permit the differentiation of CIL rates by scale.</p> <p><u>2.1.5. Reviewing CIL</u></p> <p>The Consortium requests that regular monitoring is required to ensure that any detrimental impact of the CIL on delivery is noticed promptly and remedied.</p> <p>A review period of between 2-3 years from adoption; sooner if there is a substantive change in market conditions or Central Government policy should be publicly committed to by the Council.</p>			
19	North Witney Land Consortium	Savills	42	<p>Section 211 (7a) of the Planning Act 2008 (as amended), requires Councils to use 'appropriate available evidence' to inform their Charging Schedules. In the case of the PDCS, we note the Council has relied upon the Viability Study (Local Plan and CIL Update Viability Study, Aspinall Verdi, February 2015) produced by Aspinall Verdi (AV) as their 'appropriate available evidence'.</p> <p>We have critically examined this report as part of this representation to determine if WODC has sufficiently met the requirements of Section 211 (7a) in preparing their rates.</p> <p>The fundamental premise is that to enable delivery, sites must achieve a competitive land value for the landowner and provide developers the required return on investment; otherwise development will be stifled. This is recognised by the NPPF</p>	<p>WODC must use 'appropriate available evidence' in preparing its CIL rates. The AspinallVerdi report relied upon has been critically reviewed.</p> <p>The Council must strike an appropriate balance and justify that balance at examination. The fundamental premise is that to enable delivery, sites must achieve a competitive land value for the landowner and provide developers the required return on investment.</p>	<p>The support expressed for the overall approach taken (residual valuation exercise) is noted and welcomed.</p> <p>In terms of sales values, the District Council is satisfied that the values used in the viability evidence are representative of the values that would be achieved for new build residential development at the current time.</p> <p>In terms of additional costs associated with zero carbon standards, the</p>	No changes proposed.

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>(NPPF, Paragraph 174, March 2012) and is 'inbuilt' within the CIL 2010 Regulations (as amended). It is also the basis of the definition of viability within the Harman report (Section One , Viability Testing Local Plans, Chaired by Sir John Harman, June 2012)</p> <p>Owing to the key test of Regulation 14(1)(CIL Regulations 2010 (as amended)) it is important that the viability appraisals prepared are fit for purpose, as it is clear that at Examination the Charging Schedule will need to be supported by 'relevant evidence' (Ibid. Regulation 11(1) (f) / 19(1) (e)).</p> <p>Within the CIL 2010 Regulations (as amended), LPAs must strike an appropriate balance and justify that balance with evidence at the Examination, showing and explaining how the rates will contribute towards the implementation of their relevant Plan. (Paragraph 009, Reference ID 25-009-20140612, CIL Guidance (2014))</p> <p><u>3.1. The Aspinall Verdi Viability Study</u></p> <p>For the purpose of the DCS we note WODC is relying on the Community infrastructure Levy (CIL) Viability Study Update (February 2015); and the previous Viability Studies which were consulted at PDCS stage (Local Plan and CIL Update Viability Study, Aspinall Verdi, September 2013).</p> <p>We have therefore reviewed the viability evidence and revised testing prepared by Aspinall Verdi (AV), and split our response in respect of the viability work into the following two sections:</p> <p>Part 1 - outlines the areas that the Consortium still has concerns over and justification for any differences; and</p> <p>Part 2 - provides a revised development appraisal for North Witney</p> <p><u>3.2. Part 1 - Areas of Concern</u></p> <p>In principle, the Consortium considers the overall methodology of seeking to determine viability on a residual valuation exercise as being appropriate.</p> <p>Savills are also happy to see a number of our previous recommendations have been incorporated into the revised Viability Study.</p> <p>The Consortium continues to fundamentally disagree with a number of assumptions made by AV in the Viability Study, notably;</p> <p><u>Sale Prices</u></p> <p>The Consortium and Savills are fundamentally concerned with the sales values used within the viability appraisals. The uplift in values between the two viability studies is over stating the house price growth in the market. For example the previous viability study provided an average house price of £350,000 for a 5 bedroom house in Witney (low value). Upon the re-assessment prices have been shown to have significantly grown in Witney, and the town has been reclassified as a medium value town. In the</p>	<p>The overall approach taken by AspinallVerdi (residual valuation exercise) is appropriate in principle and the various revisions made since the preliminary consultation are welcomed however there remain some fundamental concerns with a number of assumptions.</p> <p>Savills are concerned that the sales values used in the viability study have been over-stated, representing a significant uplift from the previous assessment.</p> <p>AspinallVerdi suggest that the sales value of larger properties (£per sq m) is higher than smaller properties. This is contrary to the principle rule of valuation that larger properties provide a lower price per sq m.</p> <p>The introduction of a zero carbon standard in 2016 should be reflected in the viability appraisals (e.g. additional £7,100 for a detached house). It is not clear how this has been factored in. A minimum allowance of 6% on build costs should be included.</p> <p>The appraisals fail to take account of garage floorspace which is included in GIA and therefore liable for CIL. Any increase in sales value is offset by the cost of building the garage.</p> <p>Concern expressed in relation to the scale of planning obligations that will continue to be sought alongside CIL which could render delivery of larger sites difficult.</p> <p>Greater clarity is needed on which infrastructure items will be funded through site-specific planning obligations. The infrastructure requirements for strategic sites needs to be finalised and fully costed.</p>	<p>viability appraisal includes sensitivity testing which shows the effects of a potential increase in costs over and above the baseline build cost assumptions. With specific regard to zero-carbon, the CIL examiner has confirmed that there is no need at the present time to make any allowance for additional costs.</p> <p>In relation to garage floorspace, the Council does not consider that this needs to be explicitly modelled as part of the viability assessment. Whilst there will be some additional costs associated with construction of any garage, the build cost will be lower than the residential element yet will still increase the overall sales value.</p> <p>The comments relating to the continued use of planning obligations are noted.</p> <p>These will be restricted to site-specific infrastructure that is directly related to a development, reasonable and necessary to mitigate the impact of that development. Such infrastructure will often most effectively be provided via a planning obligation rather than CIL.</p> <p>The viability assessment provides an initial indication of the site-specific infrastructure that will be needed to mitigate the impact of the north Witney development and the associated costs.</p> <p>An additional allowance has also been made of £10,000 per unit to meet other potential planning obligation costs. At this point, not all costs are known in detail and the approach taken is considered reasonable.</p> <p>Information on previous planning</p>	

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)												
				<p>Updated Viability Study, the average selling price for a 5 bedroom house in Witney is £550,000.</p> <p>This shows a 46% price increase from September 2014 to February 2015. Land Registry House Price Index shows 12.2% growth over the same period for Oxfordshire.</p> <p>Savills are concerned the sales values used within the viability study have been overstated.</p> <p>In addition, it is a principle rule of valuation, demonstrated by comparables obtained from market transactions, that larger properties provide a lower price per sq m reflecting the economies of scale, and the premium value on smaller properties. We are therefore concerned that the GDV inputs into the appraisal show higher comparative sales values on larger properties, as demonstrated below: Market Housing Sales Value Assumptions from the Aspinall Verdi Report (2015)</p> <table border="1"> <thead> <tr> <th>Property Size</th> <th>£ per sqm</th> </tr> </thead> <tbody> <tr> <td>1 bed</td> <td>4,000</td> </tr> <tr> <td>2 bed</td> <td>n/a</td> </tr> <tr> <td>3 bed</td> <td>3,158</td> </tr> <tr> <td>4 bed</td> <td>3,636</td> </tr> <tr> <td>5 bed</td> <td>3,923</td> </tr> </tbody> </table> <p>It would be our expectation the price per sq m should decrease as the unit size increases, and therefore we are of the opinion the pricing of the private units for all schemes is fundamentally incorrect.</p> <p><u>Zero Carbon Standard</u></p> <p>The introduction of a Zero Carbon Standard, to be introduced through amendments to the Building Regulations energy performance requirements, is anticipated in 2016. For the purpose of the viability appraisals, this policy requirement will result in an additional cost for developers and should subsequently be included in the viability appraisals.</p> <p>A recent report prepared by Sweett for the Zero Carbon Hub 'Cost Analysis: Meeting the Zero Carbon Standard' (February 2014), indicates that the cost of meeting the Zero Carbon Standard has a known and quantifiable cost above current Building Regulations (Part L1A 2013) (see Table4 below). Given that this requirement</p>	Property Size	£ per sqm	1 bed	4,000	2 bed	n/a	3 bed	3,158	4 bed	3,636	5 bed	3,923	<p>The Council should produce evidence on the amounts raised through previous planning obligations and the extent to which affordable housing and other targets have been met.</p> <p>The increase in the allowance for external works from 10% to 15% is noted but is still too low. A 20% allowance should be used for larger sites which would be consistent with the Harman Report on Viability Testing Local Plans.</p> <p>The lack of abnormal cost allowance is noted.</p> <p>The appraisal fails to take account of site promotion costs which can rise to 20% for more complex sites.</p> <p>There is little explanation in the viability assessment on the distribution of the costs throughout the development period.</p> <p>Further information should be provided on the assumptions used, which is of particular relevance for larger sites due to upfront infrastructure requirements and site preparation costs.</p> <p>The use of a 7% finance rate is supported. However, the appraisals should assume 100% debt finance not just 60% as the latter serves to hugely underestimate the cost of finance.</p> <p>Concerns expressed in relation to the benchmark land value. It is imperative that realistic and reasonable benchmark land values are included.</p> <p>To take account of planning promotion costs, the greenfield benchmark land values should be inflated by a minimum of 25% - 30%.</p> <p>The assumed benchmark of £225,000 per net acre is too low and should be</p>	<p>obligations secured and delivery of affordable housing targets was submitted for examination alongside the draft charging schedule and will be updated prior to the CIL examination reconvening.</p> <p>The external works allowance of 15% is considered reasonable and has been endorsed by other respondents.</p> <p>In terms of abnormal costs, a 5% contingency allowance has been included. In addition, sensitivity testing provides an indication of the potential increase in costs (albeit build costs).</p> <p>It could also be argued that any abnormal costs relating to specific sites should be taken out of the initial land value rather than the residual land value.</p> <p>The second update EVA report includes marketing and promotion costs at 1% of GDV. This is considered reasonable.</p> <p>In terms of the distribution of costs, the appraisals of the strategic development areas identify the distribution of costs throughout different development phases.</p> <p>The support for the 7% finance rate is noted. The approach taken in the viability assessment is considered reasonable and consistent with other, similar studies elsewhere.</p> <p>The comments regarding the threshold land values are noted. The second EVA update report includes updated assumptions in relation to threshold land values.</p> <p>The Council's viability evidence</p>	
Property Size	£ per sqm																		
1 bed	4,000																		
2 bed	n/a																		
3 bed	3,158																		
4 bed	3,636																		
5 bed	3,923																		

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>will be introduced in the next two years, its impact should be considered. We would therefore ask that the following allowance for meeting this standard is included in the viability appraisals:</p> <p>Table 4 - Zero Carbon Standard Cost above Building Regulations (Part 11A 2013)</p> <p><i>See full representation for Table</i></p> <p>We comment that the AV Viability Study states that improved environmental standards have been included within the viability assessment, however it is not clear where this has been incorporated into the viability appraisals. The AV Viability Study reports the average price increase of 25% per unit for achieving Code 5 over Part L 2010 regulations. This is a significant cost which will have a serious impact on the overall viability of the deliverability of a number of sites within the Local Plan.</p> <p>When compared on a like for like basis, the figures provided by Sweett are significantly lower than the costs provided in the AV Viability Study. We would therefore ask that a minimum allowance of 6% on build costs is included in the viability testing to reflect the costs of achieving Code Level 5 and the move towards Zero Carbon.</p> <p><u>iii. Garages</u></p> <p>We have reviewed AV's viability study and cannot find any evidence of assumptions relating to the inclusion of garages. This is important as CIL is chargeable on the GIA of the development, which by definition includes garages.</p> <p>Any increase in the overall sales value of a new build house with a garage is generally off set by the cost of building the garage, and therefore the CIL liability of a garage will have a negative impact of the viability of the development and could subsequently result in an overestimation of the site's capacity to support a CIL rate.</p> <p><u>iv. Section 106 Payments</u></p> <p>It is imperative that throughout the preparation of CIL due regard is had to the Regulations that state that Section 106 planning obligations must be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development' (Regulation 122)</p> <p>The power to seek Section 106 contributions remains under CIL. Our clients are concerned about the scale of Section 106 contributions which will continue to be sought which, alongside the proposed CIL rates, could render the delivery of larger and strategic sites difficult.</p> <p>Greater clarity is needed regarding the items which the authority considers will be funded through site specific S106 Agreements. The Council has provided a useful starting point for establishing the infrastructure split between CIL and S106 /S278, however, the infrastructure requirements for the strategic sites needs to be finalised</p>	<p>increased to at least £400,000 per net acre for the larger sites.</p> <p>The proposed CIL rate for the north Witney strategic site will render the development unviable.</p> <p>An alternative viability appraisal has been undertaken focusing on gross development value (private housing) zero carbon standards and promotion costs.</p> <p>The alternative appraisal suggests the GDV of the private housing is £181m compared to the £205m assumed by AspinallVerdi.</p> <p>The alternative appraisal suggests there is no scope for CIL from the north Witney site.</p> <p>The north Witney scheme is viable but cannot support the payment of CIL. The site should be zero-rated with the infrastructure contributions agreed through Section 106 and Section 278 agreements.</p> <p>The impact of this site not coming forward for development has a major implication for the overall delivery of the Local Plan.</p> <p>A zero rate should apply to all strategic sites with particular reference to north Witney.</p>	<p>suggests that the north Witney SDA is viable when a CIL charge of £100psm is factored in.</p> <p>This evidence is considered to be robust and will be tested at examination in due course.</p>	

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>and fully costed.</p> <p>At present, the uncertainty makes it difficult to assess the cumulative impact of CIL; therefore we would request that the authorities provide guidance on their intentions in this respect, as per the requirements of the CIL Guidance (Paragraph 15) as soon as possible.</p> <p>There is also a best practice requirement in the CIL Guidance for authorities to prepare, as part of their background evidence, information on the amounts raised in recent years through s.106 agreements and the extent to which affordable housing and other targets have been met (Paragraph 22).</p> <p>Despite a request within our PDCS consultation response, this information has not been provided as part of the evidence base to support the Draft Charging Schedule and should therefore be produced in advance of Examination</p> <p><u>v. Infrastructure Cost</u></p> <p>We note the increase in the standard allowance for external works from 10% to 15% in the Updated Viability Study. Savills believe that the figure is still too low and would ask that evidence be provided on how the consultants arrived at this figure.</p> <p>This recently released 'Viability Testing Local Plans' document which was produced by the Local Housing Delivery Group. It states 'Cost indices rarely provide data on the costs associated with providing serviced housing parcels i.e. strategic infrastructure costs which are typically in the order of £17,000 - £23,000 per plot for larger scale schemes'.</p> <p>We demonstrate this using all house types, using the table below:</p> <p><i>See full representation for Table</i></p> <p>Our analysis above shows external costs per unit based on the currently adopted 15% of BCIS build costs and our proposed 20%.</p> <p>In our view, the infrastructure should be in the region of £17,000 to £23,000 per plot for larger sites as suggested within the Harman Report (Viability Testing Local Plans, June 2012, Appendix B), although it is acknowledged that this could be reduced marginally for small site typologies.</p> <p>We would ask that in the absence of any evidence being provided by the consultants, the default 'best practice' guidance i.e. the Harman Report be adopted, and 20% external works is adopted in the site typologies. We also note the lack of abnormal cost allowance within the Viability work to reflect the unique requirements to open up significant developments. Allowances must be made to avoid over inflating the appraised residual land values of larger sites.</p> <p><u>vi. Promotion Costs</u></p> <p>The cost of promoting a site through the planning process can be considerable, especially with the larger strategic sites. The viability appraisals provided by VA do</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>not seem to recognise or allow for these costs and we would therefore ask that they are considered in setting the CIL rates prior to the Examination. The Harman Report (June 2012) states professional fees can rise to 20% for more complex multi - phase sites.</p> <p><u>vii. Cashflow and Distribution of Costs</u></p> <p>We understand that Aspinall Verdi (AV) adopt a bespoke spreadsheet model to undertake the appraisals for each of the typologies. Within the Viability Study, the appraisal summary sheet detailing the inputs for each typology has been attached as an appendix to the report. There is little explanation in the viability assessment on the distribution of the costs throughout the development period.</p> <p>The Consortium would welcome further disclosure of the cashflow assumptions used during the appraisals. This is of particular reference to larger schemes where the requirement for upfront infrastructure and site preparation can have a detrimental impact on the viability of a development site.</p> <p><u>viii. Finance Costs</u></p> <p>Savills supports the use of a finance rate of 7% for the development. However, we have reviewed the appraisal for North Witney and note the appraisal provides for 40% of the scheme to be financed through equity. It is general practice that a residual appraisal is undertaken on the assumption of 100% debt finance. By only calculating the costs of finance on 60% of the scheme, this is hugely underestimating the cost of finance across the lifespan of the development.</p> <p>Currently the AV appraisal provides for finance costs of £1.38m which equates to only 0.6% of the overall total costs. Our experience of similar schemes would expect this to be in the region of 3-8%, with higher interest charges being occurred on sites with high upfront infrastructure costs, such as North Witney. We therefore strongly recommend the appraisal is re-run on the basis of 100% debt finance, reflecting the high upfront infrastructure costs over the lifespan of the development.</p> <p><u>ix. Benchmark Land Values (BLV)</u></p> <p>The Consortium and Savills continue to have concerns relating to the methodology and assumptions made in the Viability Study in determining the Benchmark Land Values (BLVs).</p> <p>The NPPF is clear that in assessing viability, there must be a competitive return for the landowner as this is required to incentivise the release of land for development. This is applicable to both previously developed and greenfield sites. We recognise that part of the rationale behind CIL is to capture a proportion of the increase in land value and that by its nature CIL will therefore have a bearing upon land values.</p> <p>However, it is imperative that realistic and reasonable benchmark land values are included within the Viability Study which are based upon an understanding of the values at which land is currently traded.</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>For the larger site typologies it is necessary to account in the BLV for the costs and planning risk associated with site promotion. For simplicity we split the development process in two; firstly the 'promotion' phase which includes promoters profit, and then the 'delivery' phase from which the house builder derives their profit.</p> <p>The second part of this (i.e. the 'delivery' phase) should adopt the same 20% margin as all other typologies. In order to account for the former, we recommend an adjustment to the benchmark land value. This approach is consistent with the Harman Report which states that:</p> <p>'In such circumstances, the Threshold Land Value (at which a landowner will release land for development) is unlikely to represent the assessed value that will bring land forward for development. It will be necessary to take account of planning promotion costs and the return required by the promoters of such sites.' (Financial Viability in Planning, Page 31)</p> <p>Land promoters typically require 10%-20% of the land value in order to reflect the risk that they may expend significant costs in the promotion of a site without ever seeing a return. Put another way, the land promoter requires 10%-20% of the land value when the site is sold with planning permission to make it worth their resource and risk in promoting the site. The most accurate means of reflecting this in the Viability Study is to inflate the greenfield benchmark land values for all those sites where it is likely that promotion of the site will have occurred, i.e. greenfield site typologies over 100 dwellings.</p> <p>In summary, to ensure consistency with the NPPF and to provide the landowner with a competitive return, we consider that the BLVs must be uplifted by a minimum 25% - 30%.</p> <p>In some cases, this will still not represent a sufficient return to the landowner to incentivise the release of an asset which, in some instances, will have been within the ownership of the family for many generations.</p> <p>Nevertheless, the additional uplift to the benchmark land values will provide an incentive and help ensure that land supply does not reduce significantly. The proposed uplift is supported by transactional evidence.</p> <p>Although the Consortium and Savills acknowledges the stance of to use evidence of historic land transactions with caution, due to taking into consideration the policy and market at the time of the signing of the option / promotion agreement, some consideration needs to be made for sites which are due to come forward in the adopted Core Strategy and emerging Local Plan. These sites are subject to recently negotiated option / promotion agreements with minimum prices clauses set above the BLV.</p> <p>Savills are extremely well placed to comment on BLV's having an involvement in a vast number of development deals annually, including deals within WODC. We have therefore researched a number of option agreements and the minimum price provisions set out within these in the local area. This provides a good benchmark for</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>minimum land value for Greenfield land and provide a more robust evidence base than the assumptions used by AV. Savills sets out this evidence below:</p> <p>Option A, Oxfordshire - option agreed on a strategic site with capacity for circa 200 dwellings. Minimum purchase price is to be £675,000 per gross hectare (£275,000 per gross acre).</p> <p>Option B, Oxfordshire - option agreed on a site with capacity for circa 300 units. Minimum purchase price is to be £620,000 per gross hectare (£250,000 per gross acre).</p> <p>Option C, Oxfordshire - option agreed on a strategic site with capacity for circa 500 units, Minimum purchase price is to be £1,853,250 per net hectare (£750,000 per net acre).</p> <p>Option D, Oxfordshire - option agreed on a strategic site. Minimum purchase price is to be £820,000 per net hectare (£330,000 per net acre)</p> <p>Option E, Oxfordshire - option agreed on a strategic site for circa 600 units. Minimum purchase price is to be £741,300 per net hectare (£300,000 per net acre)</p> <p>Option F, Oxfordshire - option agreed on a strategic site. Minimum purchase price is to be £741,300 per net hectare (£300,000 per net acre)</p> <p>Specific details remain confidential.</p> <p>From the evidence above, it can be seen that in comparable markets, minimum land values tend to be agreed within a range of £620,000 - £675,000 per gross hectare (£250,000 - £275,000 per gross acre) and around £740,000 per net hectare (£300,000 per net acre).</p> <p>From analysing the Viability Study, we can see AV have adopted net acre BLV's. On the basis of the evidenced included above, Savills feel the BLV's, particularly for the Greenfield sites are too low at £225,000 per net acre.</p> <p>In the absence of any supporting comparable evidence on which the CIL must be based (in accordance with S.211 (7a) of the Planning Act 2008 (as amended), we would therefore ask that AV adopt a minimum of £400,000 per net acre for the larger sites.</p> <p><u>3.3. Part 2 - Alternative Viability Appraisals</u></p> <p>The Consortium for North Witney are primarily concerned that the proposed CIL rate will render the development unviable.</p> <p>It is common place for Strategic Sites to be zero rated, to allow for the delivery of infrastructure to contributed through a Section 106 agreement, and to allow the developer control over the delivery of the infrastructure.</p> <p>Given the concerns raised above, and in our PDCS representations, we have now produced an alternative viability appraisal in order to demonstrate the impact of the</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>underestimation of these inputs.</p> <p>However, for the purpose of reaching a consensus on an appropriate residential CIL rate, and to enable to Examiner to make direct comparisons between our evidence and that of the Council, we have focused on only three key points which the Consortium feel are of the utmost importance:</p> <p>Gross Development Value for the Private Units Zero Carbon Standard / Improved Building Regulations</p> <p>Promotion Costs</p> <p>For simplicity, using the same assumptions Aspinall Verdi have used for North Witney. We have prepared a base appraisal and then undertaken subsequent sensitivity testing on alternative assumptions as set out in the table below.</p> <p>We set out below a summary table of our assumptions for the base appraisal and AV's assumptions (this does not infer agreement to the assumptions outlined).</p> <p>Table 6: Assumptions for Alternative Appraisals</p> <p><i>See Full Representation for Table</i></p> <p>As part of our alternative Appraisal B, we have undertaken a pricing exercise for the private units. There are limited new build housing schemes in Witney and therefore, therefore obtaining comparable evidence is challenging. We have been active in the marketing and sale of a number of development site within West Oxfordshire, and in Witney itself. We have used this information, alongside our knowledge of the market and by making adjustments to second hand comparables which have sold within Witney.</p> <p>We note there has been a significant change in the values provided in the AV Viability Assessment between the original Viability Study and the updated version dated February 2015. It is difficult to demonstrate these changes due to the changes in unit size assumptions between the two Viability Assessments, however, we have shown the variation below.</p> <p><i>See Full Representation for Table</i></p> <p>The table above shows an increase in values up to 34.51% for a 5 bedroom house. This is significantly larger than the 12.2% house price increase as recorded by the Land Registry House Price Index over the same period of time, indexed to Oxfordshire.</p> <p>Savills are concerned about the sales value inputs used within the appraisal for North Witney, and as mentioned above, we have undertaken our own evidence of the local market and are of the opinion the following are more reflective of the current market:</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p><i>See Full Representation for Table</i></p> <p>Based on our pricing, the private GDV is £181,160,000. We have adopted the same unit mix and unit sizes as the AV Viability Study.</p> <p><u>Alternative Viability Appraisal Results</u></p> <p>We provide below our alternative appraisal results. We provide full disclosure of our appraisals and inputs in Appendix 3</p> <p><i>See Full Representation for Table</i></p> <p>The above table shows that the viability of North Witney is below the Benchmark Land Value on the baseline appraisal. On this basis, there is no allowance for CIL to be charged on the site.</p> <p>The table above demonstrates this position without increasing the Benchmark Land Value, which we believe is underestimated and should be in the region of £400,000 per net acre.</p> <p>The site is shown as unviable due to the high infrastructure costs which are site specific to North Witney. The site specific costs do not render the development of North Witney unviable, however the site specific costs do restrict the ability of the site to fund at CIL Levy.</p> <p>For clarity, we have adopted the indicative costs which have been provided within the AV Viability Appraisal. We summarise the indicative site specific costs below:</p> <p>Table 10: Site Specific Costs for North Witney</p> <p><i>See Full Representation for Table</i></p> <p>As demonstrated above, this site will bear considerably high costs, in the region of £38,00,000 for site abnormal, site works and infrastructure costs, including a new bridge.</p> <p>On a per plot basis (based on a scheme of 1,000 dwellings) this equates to £38,000 per plot. These costs are estimates, and similar to all costs adopted within a residual appraisal, are subject to change from economic factors, and general build cost inflation.</p> <p>It is the Consortium and Savills firm belief that North Witney is a viable site in terms of housing delivery, however with the significant site specific costs, it is our expectation that the site will be unable to provide any CIL contribution, and therefore we strongly recommend the site is 'nil' rated, with the infrastructure contributions agreed through Section 106 and Section 278 agreements to ensure the overall viability of the scheme is not undermined.</p> <p>The impact of this site not coming forward for development has a major implication for the overall delivery of the Local Plan, and the its ability to deliver the required</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>level of housing supply.</p> <p>We would therefore recommend the following:</p> <ul style="list-style-type: none"> The Council re-runs the appraisals to reflect the points discussed in Section 3 above and reviews their proposed CIL rates; That a CIL rate of £0 per sq m be applied to all strategic sites, with particular reference to North Witney. 			
19	North Witney Land Consortium	Savills	43	<p>Despite the narrow Regulatory requirements of the Examination, the Consortium urge the Council to make clear at the earliest opportunity the supporting documentation needed to operate CIL and to make it available for consultation.</p> <p>Practically, this needs to be done prior to the Examination so that participants and stakeholders are able to comment on the effective operation of CIL.</p> <p>Whilst this supporting information is not tested at Examination, this information is critical to allow for the successful implementation of CIL and to demonstrate that the CIL has been prepared positively and supports sustainable development. The documentation should include:</p> <ul style="list-style-type: none"> Guidance on how to calculate the relevant 'chargeable development'/level of CIL; Guidance on liability to pay CIL/Appeals process; Policy for payments by instalments; Approach to payments in kind; Guidance on relief from CIL and a policy on exceptional circumstances for relief from CIL. <p>The Consortium provides further comment on some of these points below.</p> <p><u>4.1. Instalments Policy</u></p> <p>With regard to the phasing of CIL payments, WODC has not published a draft instalment policy at this stage in the CIL process.</p> <p>The Consortium and Savills have concerns over the lack of instalments policy as CIL liabilities for most sites will be significant sums of money, which will have a negative impact on the cashflow the development, and its overall viability.</p> <p>For larger sites, this upfront cost will be required alongside site preparation works, and infrastructure requirements and will front load the development costs and render development unviable.</p> <p>In determining a suitable Instalments Policy, we would recommend that the initial contribution (%) payable at the commencement of development should vary</p>	<p>Although not legally required, the Council should make available further supporting information on the operation of CIL prior to examination (e.g. guidance on calculating CIL, liability to pay CIL/appeals process, payment by instalments, approach to payments in kind, guidance on relief from CIL and a policy on exceptional circumstances relief).</p> <p>An instalments policy should be introduced with the timing and proportion of initial and subsequent payments determined by the overall CIL payment due.</p> <p>There should also be an over-riding mechanism whereby if CIL payments threaten viability, negotiation can be undertaken on a one to one basis.</p> <p>Because instalments policies can be removed at any time, viability testing should not however include phased payments.</p> <p>The Council's decision to offer only mandatory relief from CIL is noted.</p> <p>Payment of CIL in kind is not considered to be a credible option. This emphasises the need to ensure the 123 list does not include any items of infrastructure intended to be delivered through S106 agreements on strategic sites.</p> <p>Support the proposed intention to review the charging schedule within 3 years or</p>	<p>The request for further information is noted.</p> <p>The Council will seek to prepare all necessary information to facilitate the examination process.</p> <p>It is acknowledged that the Council should be prepared to accept CIL payments by instalment to assist with cash flow and a minor amendment was proposed in this regard. This has been taken forward into the revised draft CIL charging schedule.</p> <p>In terms of relief from CIL, the Council proposes only to offer mandatory relief from CIL in accordance with the regulations (as amended). The proposed CIL rates have been set well within the margins of viability which should help to avoid the need for discretionary relief from CIL being sought.</p> <p>This position will however be kept under review. The Government's practice guidance states that the powers to offer relief can be activated and deactivated at any point after the charging schedule is approved and as such the Council will continue to consider whether there is a need to offer this or any form of discretionary relief from CIL through the monitoring and review of CIL.</p> <p>The viability testing undertaken has</p>	<p>Revised DCS clarified to include reference to the payment of CIL by instalments.</p> <p>Revised DCS clarified in relation to review and monitoring of CIL.</p> <p>Revised DCS clarifies that the Council will consider the need for discretionary CIL relief as part of the initial early review of CIL (within 2 years of the date of adoption).</p> <p>Revised charging schedule now includes reference to payment of CIL 'in-kind'.</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>depending on the scale of the total CIL payment due. The timing and proportion of subsequent payments should then also vary by the scale of the CIL liability.</p> <p>We believe that there should be an overriding mechanism which, in certain situations should the CIL payments threatens the viability, and thus the deliverability of the scheme proposed, can be negotiated and agreed on a one-to-one basis.</p> <p><u>4.2. Testing</u></p> <p>As Local Authorities are able to remove an Instalments Policy at any time, we would recommend that the viability testing does not include phased payments.</p> <p>This will ensure that sites are able to support the proposed CIL rates in the event that an Instalments Policy is not in place.</p> <p><u>4.3. Relief</u></p> <p>We note the Council have declared they are minded to not include any discretionary relief, and only provide mandatory relief.</p> <p><u>4.4. Payment in Kind</u></p> <p>The CIL Regulations now allow for Payment in Kind through the provision of infrastructure. However, there remain notable deficiencies in the operation of CIL, caused primarily by the CIL Regulations, which places the Council and the development industry in a difficult position.</p> <p>The scope to reduce the CIL liability via utilisation of Payment in Kind is therefore restricted to those items of infrastructure which are not required to mitigate the impact of a development, which for strategic sites would exclude most (if not all) site specific and 'scheme mitigation' infrastructure.</p> <p>Payment in Kind is therefore not a credible option, which further emphasises the need to ensure that the Regulation 123 List does not include any items of infrastructure intended to be delivered through Section 106 agreements on any of the strategic sites.</p> <p><u>4.5. Reviewing CIL</u></p> <p>The CIL Guidance outlines that Charging Authorities 'must keep their charging schedules under review to ensure that CIL is fulfilling its aim and responds to market conditions.</p> <p>The Consortium is therefore pleased to note that the Council is intending to review the Charging Schedule within 36 months of its implementation, or sooner if any of the criteria for review are triggered.</p>	sooner if certain criteria are triggered.	<p>not included phased payments of CIL by instalment.</p> <p>The comments regarding the payment of CIL in kind are noted however the Council considers that such provision may have a role to play. A minor amendment is therefore proposed in this regard.</p> <p>The importance of clarity on the regulation 123 list is acknowledged. The draft list emphasises that planning obligations will only be sought for infrastructure that is directly related to and needed to mitigate the impact of a particular development. CIL revenue will be spent on infrastructure more generally across the District.</p> <p>The Council fully acknowledges the need for regular reviews of CIL and a minor amendment to the DCS is proposed in this regard.</p>	
20	Barwood Development	White Young Green	44	<p>WYG (previously Alliance Planning), act on behalf of Barwood Development Securities Ltd in respect of their land interests to the east of Nethercote Road, Tackley. WYG has been instructed to make representations to the current West</p>	Suggest the introduction of an instalments policy rather than a single payment within 60 days of commencement which will	<p>The comments are noted.</p> <p>It is acknowledged that the Council</p>	Revised DCS clarified to include

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
	Securities			<p>Oxfordshire Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS).</p> <p>The Council intends to introduce CIL to help fund the infrastructure requirements of new development, as set out in the accompanying Infrastructure Delivery Plan (IDP).</p> <p>An Infrastructure Funding Gap of up to £118 million has been identified that CIL can contribute towards. CIL receipts of £46 million would be delivered under the proposed charging schedule.</p> <p>Our client intends to submit an outline application for residential development in respect of their land interests at Tackley following feedback from pre-application discussions with Council Officers and a public consultation event.</p> <p>The scheme would provide a number of on-site benefits including; affordable housing; public open space; children's play space; new footpaths, cycle routes and bridleways; a rail station car park; and safeguarded land for a new bridge over the railway line.</p> <p><u>Payment policy</u></p> <p>The CIL DCS proposes a district wide rate of £100 per sq m for residential developments of 11 units or more (Table 1: DCS) with payment to be made within 60 days of the commencement of development.' (para 2.17: DCS).</p> <p>Para 2.18 of the DCS states that further consideration will be given to paying by instalments if the Council believes an instalment policy should be introduced.</p> <p>Our Client suggests the introduction of a phased payment policy rather than the 'single payment' within 60 days of the commencement of development as per para 2.17 of the CIL DCS.</p> <p>A staged approach to payments will assist cash flow by staggering the payment of CIL costs and in so doing, recognising the significant capital investment that is required to bring forward developments of this scale, before a return can be generated.</p> <p>This would assist in cash flow and increase the likelihood of development coming forward during the Plan period to contribute to the Council achieving its projected housing numbers.</p> <p><u>Viability</u></p> <p>There should be a Local Plan policy on viability so that the circumstances in which CIL relief can be gained, are clearly established. The CIL DCS comments in para 2.16 preclude any discretionary relief. This could potentially render a number of schemes unviable if there are abnormal costs affecting the delivery of a particular site.</p> <p><u>Infrastructure Delivery Plan</u></p> <p>Whilst an IDP has been provided with three categories of priority, there is no clear commitment as to how the Council will rank different infrastructure requirements.</p> <p>For example, how will the Council prioritise its CIL spend between projects</p>	<p>assist with cashflow.</p> <p>The Council should allow for discretionary CIL relief to take account of abnormal costs. This should be reflected in a Local Plan policy.</p> <p>The IDP should identify how the Council will prioritise different infrastructure projects with the same level of category.</p> <p>The IDP should provide more focused delivery timescales rather than for the length of the plan period.</p>	<p>should accept the payment of CIL by instalments in order to assist with cash flow and this is reflected in the revised draft charging schedule.</p> <p>In terms of CIL relief, whilst the Council will offer mandatory relief from CIL it does not currently intend to offer discretionary relief such as exceptional circumstances relief. This will be further considered as part of the initial review of CIL.</p> <p>The proposed CIL rates have been set well within the margins of viability which should help to avoid the need for discretionary relief from CIL being sought.</p> <p>This position will however be kept under review.</p> <p>The comments in relation to the IDP are noted. Inevitably it is not always possible to provide a concise delivery timescale for all projects and as such some are noted as coming forward within relatively broad time periods.</p> <p>The IDP is a living document and will be updated as and when details of projects are firmed up including costs and timescales.</p> <p>The CIL regulation 123 list will also be kept under review.</p>	<p>reference to the payment of CIL by instalments.</p> <p>Revised DCS clarifies that the Council will consider the need for discretionary CIL relief as part of the initial early review of CIL (within 2 years of the date of adoption).</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>identified as 'critical' public transport improvements and 'critical' education projects during the same timescale.</p> <p>There should be a clear investment plan to demonstrate how CIL funding will be spent in tandem with development which guarantees that the infrastructure which developers are paying for will be provided and in a timely fashion.</p> <p>In addition to this, a broad brush of delivery timescales, often stated as 2015-2031 within the IDP, simply serves as a 'wish list'.</p> <p>More focused timescales and project delivery specific justification would enable priorities to be identified during the lifetime of the Plan period.</p> <p><u>Summary</u></p> <p>We trust the above comments will be taken into account as part of the consultation and look forward to receiving a response in due course. The principal points to note are:</p> <p>CIL payment periods should be staggered, rather than the 60 day payment on commencement of development. These instalments will ensure developments can be delivered;</p> <p>There should be a policy within the Local Plan identifying when discretionary CIL relief can be applied due to abnormal costs;</p> <p>The IDP should identify how the Council will prioritise different infrastructure projects with the same level of category; and the IDP should provide more focused delivery timescales rather than for the length of the plan period.</p>			
21	David Wilson Homes Southern	Barton Willmore	45	<p>1.1 This review of the West Oxfordshire District Council (WODC) Draft Charging Schedule (DCS) for the Community Infrastructure Levy (CIL) has been prepared by Barton Willmore LLP on behalf of David Wilson Homes Southern (DWH), a housing developer with land interests in the district.</p> <p>1.2 The purpose of this review is to scrutinise the rates of CIL contained within the DCS and the viability evidence underpinning these rates. The key piece of evidence in this case is a Viability Study prepared by Aspinall Verdi (AV) and published in February 2015.</p> <p>1.3 It should be noted that this review relates to residential CIL only; it does not review the evidence relating to commercial or other uses.</p> <p><u>Overview of CIL</u></p> <p>1.4 CIL was introduced in England and Wales as part of the Planning Act 2008, and came into force on 6 April 2010. It enables 'charging authorities' (in most cases Local</p>	<p>On the basis of the draft Regulation 123 list, it is likely that many developments will still need to enter into Section 106 agreements to meet certain site-specific requirements.</p> <p>It is not appropriate to examine CIL until the soundness of the local plan is determined and the West Oxfordshire Local Plan is at risk of being found unsound due to the proposed housing target which falls below the Oxfordshire SHMA recommendation.</p> <p>A revision to the housing target will necessitate a revision to anticipated</p>	<p>It is acknowledged that notwithstanding the introduction of CIL, planning obligations will still be required to mitigate the impact of some proposed developments.</p> <p>The relationship between CIL and the Local Plan is fully acknowledged and this is reflected in the fact that the Council is seeking to have the CIL charging schedule examined alongside the Local Plan.</p> <p>The support expressed for the residual land value approach used in the viability study is noted.</p>	<p>Draft charging schedule revised to payment of CIL by instalment. A separate instalments policy will be prepared in due course.</p> <p>Regulation 123 list being revised to be more project</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>Planning Authorities) to charge developers a fixed rate per square metre of additional floorspace developed to fund the provision, operation and maintenance of community infrastructure.</p> <p>As of April 2015, the proceeds of no more than five Section 106 agreements will be able to be 'pooled' for spending on community infrastructure.</p> <p>As a result, CIL (where adopted) is now the principal method by which developers contribute to the provision of community infrastructure.</p> <p>1.5 A set process must be followed for a charging authority to introduce CIL:</p> <p>Preliminary Draft Charging Schedule: Provides initial proposed rates of CIL supported by viability evidence. A draft Regulation 123 list, setting out the kinds of infrastructure to be supported by CIL, is also published at this stage.</p> <p>Draft Charging Schedule (DCS): Provides updated rates, taking account of comments received during the PDCS consultation exercise and any updated viability evidence. Following any further revisions, the DCS is then submitted to the Planning Inspectorate.</p> <p>Examination in Public: The DCS is examined by an Inspector appointed by the Planning Inspectorate, with attendance from interested parties (including the LPA, other nearby LPAs, local residents and developers/landowners).</p> <p>Adoption: Subject to the Charging Schedule being found sound by the Inspector, the Levy can be introduced and charging commenced.</p> <p>1.6 Further detail on CIL can be found in Section 2 of this report.</p> <p>Summary of WODC's DCS</p> <p>1.7 WODC's DCS proposes the following rates of CIL for residential development: Schemes of 5 units or less: £200/m2 Schemes of 6-10 units: £200/m2; outside Cotswolds AONB, £100/m2; within AONB Schemes of 11 units or more: £100/m2; Extra Care and Sheltered Housing: Nil (low value zones) or £100/m2; (Medium/High Value Zones)</p> <p>1.8 It should be noted that this rate for large scale (11+ dwellings) development represents a significant decrease from the rate proposed by the PDCS (£200/m2;). Schemes of less than 11 dwellings are not required to provide on-site affordable housing, paying a commuted sum instead.</p> <p><u>Summary of Regulation 123 List</u></p>	<p>infrastructure requirements.</p> <p>The residual land value approach used in the Council's viability study is reasonable and consistent with most studies from elsewhere.</p> <p>Independent analysis suggests that Witney, Chipping Norton and Enstone could fall within the lower value zone rather than the medium value zone.</p> <p>Sales values appear reasonable but the decision to apply values at the top end of the range is not justified particularly as the viability report suggests in some places new build properties are sold for less than older properties.</p> <p>A higher level of BCIS build cost (than the median used) is appropriate in the context of sales values being assumed to lie at the top end of the range.</p> <p>Alternative sources of build cost data suggest costs could be up to 25% higher than assumed.</p> <p>The level of threshold land value applied is considered reasonable but the 25% discount applied is the maximum level recommended by the Greater Norwich inspector and a smaller reduction could be considered.</p> <p>In broad terms the assumptions made are reasonable.</p> <p>For larger schemes of 40 and 100 dwellings, the viability is more marginal in the lower value area even with reduced affordable housing provision. Even a slight increase in build costs could render a 40 unit scheme unviable.</p>	<p>The comments regarding the delineation of the value zones is noted however these are considered to be reasonable and justified on the basis of the evidence used to inform the viability assessment. They were also supported in the preliminary findings of the CIL examiner.</p> <p>The comments regarding sales values are noted but these are considered reasonable in the context of the available evidence.</p> <p>No alternative evidence has been supplied to demonstrate that the assumed sales values are too high.</p> <p>The comments regarding build costs are also noted however, again the figures used are considered reasonable in light of the available evidence. No evidence of a direct link between build costs and sales values has been provided.</p> <p>BCIS data is considered to be robust.</p> <p>The 25% discount on threshold land values is considered reasonable in light of the Greater Norwich decision. Sufficient sensitivity testing has been carried with reference to other variables including build costs and affordable housing requirements (for larger schemes).</p> <p>It was previously acknowledged that the 40 unit scheme within the low value area demonstrates less of a viability buffer than a number of other typologies tested but the degree of buffer increases significantly in relation to the 100 unit scheme which remains viable even with a significant increase in build costs. The findings have been</p>	<p>specific.</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>1.9 As stated above, CIL can be used to raise funding for the provision, operation and maintenance of community infrastructure.</p> <p>As part of the process by which the rate of CIL is agreed and introduced, charging authorities must provide a list of infrastructure projects or types of infrastructure to be funded by CIL (known as a Regulation 123 list).</p> <p>1.10 WODC's draft Regulation 123 list indicates that the proceeds of CIL will be spent in the following areas: Transport and Highways including Road Network, Bus Network, Cycle and walking infrastructure and improvements to the rail network Education, including Nursery schools, Primary and Secondary education, Further and Higher education and Special schools Health care, including Health centres and Doctor's surgeries Social infrastructure, including Culture and Heritage (Museums, Libraries etc.), Social and Community (Children's centres, Community centres etc.) Sports and Recreation, including Amenity and open space, Indoor and Outdoor sports facilities Green Infrastructure, including Natural green space, Parks and gardens, Allotments and Cemeteries Public Services, including Emergency services, community safety and waste management Environmental, including flooding, drainage and pollution reduction</p> <p>1.11 According to the list, site-specific infrastructure in any of these categories related directly to development can continue to be funded through Section 106.</p> <p>1.12 WODC estimate that CIL will provide a total income of around £45.4m over 15 years to 2031, based on the council's emerging Local Plan target for 525 new homes per annum.</p> <p>This falls somewhat short of the council's estimated infrastructure funding gap of between £108.6m and £117.5m.</p> <p>1.13 On the basis of this draft Regulation 123 list, it is likely that many developments will still need to enter into Section 106 agreements to meet certain site-specific requirements.</p> <p>3.1 This section reviews the DCS and viability evidence (presented in the Aspinall Verdi (AV) Viability Study) for WODC in the context of the Government guidance discussed in section 2.</p>	<p>The margin of viability is thus likely to be smaller than indicated within the viability study.</p> <p>Should the £100 rate be adopted, it is likely that the number of affordable homes delivered in these lower value areas may reduce.</p> <p>WODC should therefore consider either a reduced rate of CIL for developments of 11+ dwellings in lower value areas (such as Carterton) or a lower affordable housing requirement.</p> <p>The Council should consider the introduction of an instalments policy to assist with cash flow.</p> <p>The draft Regulation 123 list for WODC is vague, and does not rule out any infrastructure potentially being funded through either CIL or S106.</p>	<p>further updated in the second update EVA report (December 2016).</p> <p>The 15 unit scheme typology in the lower value area demonstrated a healthy viability buffer factoring in 35% affordable housing on-site and a CIL payment of £100psm. This suggested the affordable housing and CIL requirements were reasonable. The findings have been further updated in the second update EVA report (December 2016).</p> <p>It is acknowledged that it would be appropriate for the Council to accept CIL payments by instalments to assist developer cash flow and that this should be reflected in the draft charging schedule.</p> <p>The Council's CIL Regulation 123 list is in the process of being amended to be more project-specific so that it is clearer which projects the Council intends to fund via CIL.</p>	

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>Alignment with Local Plan</p> <p>3.2 As stated by PPG, CIL should be prepared either on the basis of an up-to-date or adopted plan, or alongside an emerging plan - the latter being the case in this instance. However, the Inspector examining both CIL and Local Development Plan for Maldon District concluded that it would not be appropriate to examine CIL until the soundness of the LDP is determined, particularly in the context of the plan potentially under-estimating housing need (see letter from the Planning Inspectorate at appendix 1).</p> <p>3.3 WODC's Local Plan is considered to be at threat of being found unsound, due at least in part to the proposed dwelling target (525 dwellings per annum) falling short of the Council's own Strategic Housing Market Assessment (SHMA) recommendation for 635-685 net additional dwellings per annum (See Oxfordshire SHMA, March 2014, Prepared by GL Hearn (p.6)) This matter is considered in further detail in Barton Willmore's representations made to the WODC Local Plan consultation on behalf of its clients.</p> <p>3.4 If the emerging Local Plan is found to be planning for too few dwellings, it is likely that the Council's calculations of infrastructure required to service these additional dwellings (plus their CIL revenue) is likely to be incorrect, and will need to be revised.</p> <p><u>Rate Setting</u></p> <p>3.5 Notwithstanding issues surrounding the soundness of the accompanying local plan, it is useful to review the process by which the rates set out in the DCS were determined.</p> <p><u>Appraisal Input Assumptions</u></p> <p>3.6 The assumptions made within the viability study are key to understanding the extent to which it represents 'reasonable' and robust evidence. The AV Viability Study follows a Residual Land Value (RLV) appraisal methodology, which is illustrated in Figure 2.1 below (extracted from the AV report):</p> <p>3.7 The 'residual' amount (RLV) is calculated by subtracting development costs (build costs, fees, S106/CIL interest on finance and developers' profit) from the overall value of the scheme (GDV - i.e. the total sale value of all dwellings developed, or transfer value in the case of affordable housing). A Threshold Land Value (TLV), reflecting a 'fair' price paid to the landowner is then subtracted from the residual amount. Where the result is positive, the scenario is considered viable.</p> <p>3.8 This approach is considered reasonable, and is consistent with the majority of CIL Viability Studies carried out on behalf of local authorities across England and Wales. However, it is important to review the robustness of the key input assumptions - GDV, Costs, and TLVs.</p> <p>i. <u>Gross Development Value (GDV)</u></p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>3.9 The GDV (total sale values, or transfer values in the case of affordable housing) represents the total income that the developer is likely to realise from a scheme. It is therefore among the most important inputs, as viability could be over-or under-stated if the GDV assumptions made are too high or too low.</p> <p>3.10 The AV Viability Study provides detailed analysis of house prices for West Oxfordshire, sourcing information on both prices paid (from Land Registry) and asking prices (from online estate agency websites such as Zoopla and Mouseprice). Local agents were also consulted.</p> <p>3.11 The study concluded that there were three value zones - High Value (Cotswolds Belt and Oxford Belt), Lower Value (Carterton) and Medium Value (all other areas). Our analysis (summarised in figure 3.2 below) (See attached) indicates that values in Witney and in/around Chipping Norton and Enstone could also be considered to fall within the Lower Value zone.</p> <p>These areas were also indicated by the agents consulted by AV as being potentially of lower value than surrounding areas (see pp. 42-43).</p> <p>3.12 In broad terms, the actual sales values derived from the available evidence appear reasonable. However, the decision to apply values at the top end of the range (see paragraph 5.50 of the Viability Study) for each house type and location within the appraisals, as opposed to a central estimate, is not sufficiently justified.</p> <p>Whilst it may be the case in some areas that new-build stock is sold at a premium, the analysis of prices paid in Table 5.9 of the viability study shows that in nine of the postal sectors analysed prices for new-build properties were actually lower. On this basis, it may be appropriate to carry out further sensitivity testing.</p> <p><u>ii. Costs</u></p> <p>3.13 As required, the appraisal takes account of the full range of costs associated with development including Construction, Demolition, Professional Fees, Finance, Profit and Contingency. Allowances for the provision of affordable housing, planning obligations and planning fees are also made, as well as for CIL.</p> <p>3.14 Assumptions of construction costs have been sourced from BCIS, which is considered to be a reputable and robust source. The assumption applied (build cost of £1,084 per square metre) for estate housing is based on the BCIS median; whilst differences between median and upper quartile costs are relatively small, a higher level of cost is more appropriate in the context of sales values being assumed to lie at the top end of the range (see analysis above).</p> <p>3.15 An alternative source of build cost data, Spon's Architects' and Builders' price book 2013, indicates that costs for private housing construction are in the range £930-£1,375 per square metre, indicating that costs could be up to 25% higher than assumed. Sensitivity tests surrounding build costs have been provided in the appendix to the Viability Study, the results of which are discussed below.</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p><u>iii. Threshold Land Values (TLVs)</u></p> <p>3.16 TLVs applied within the appraisal are also pivotal, as they determine whether or not a particular scheme typology is viable given income and costs. The TLVs assumed are based on a sample of data collected by AV from a variety of sources including stakeholder consultation and web-based research. In total, it is stated that 46 land values were analysed ranging from £115,000 to £2,360,000 per acre.</p> <p>Few details of the values analysed have been provided for scrutiny. The TLVs applied also incorporate a 25% discount, quoting the Greater Norwich Development Partnership CIL Examination report which states that CIL should be primarily drawn from the land value.</p> <p>3.17 As with sale values, the actual level of TLV applied is considered broadly reasonable but the application of a 25% discount is the maximum level recommended by the Greater Norwich inspector (who starts 'it is reasonable to see a 25% reduction in benchmark values as the maximum that should be used in calculating a threshold land value'). A smaller reduction could therefore be considered.</p> <p><u>Overall Viability of Proposed Rates</u></p> <p>3.18 In broad terms, the assumptions made within the Viability Study are reasonable, with the caveat that some of the selected assumptions appear to emphasise the viability of the proposed rate of CIL rather than taking an objective, central position.</p> <p>A number of sensitivity tests are provided (on build costs vs. affordable housing % and rate of CIL) for each typology, which provide further information on the margin of viability and the implications of small changes to assumptions.</p> <p>3.19 Of particular note are the scenarios for larger schemes (40 and 100 dwellings), which are likely to be crucial in meeting the district's housing needs over the plan period. Whilst such schemes in the higher value areas can (on the basis of the appraisals for schemes 35 and 41) comfortably support the proposed rate of CIL and affordable housing at 50%, lower value areas show much more marginal viability (see scheme 37 in particular) - even with reduced affordable housing.</p> <p>3.20 Should build costs increase by just 10%, the rate of CIL that a 40 unit scheme in a low value area (such as Carterton and potentially Witney and Chipping Norton) could pay would be zero (and only £40 per square metre with a 5% increase). In such cases, either the affordable housing requirement of CIL would need to be reduced.</p> <p>3.21 For a 40 unit scheme in a medium value area, the £100 rate of CIL would only remain viable with a 10% uplift in build costs - a 15% uplift would support CIL of just £20 per square metre.</p> <p>3.22 On the basis of these sensitivity tests, and in light of the selection of variables which produce top-of-range sale values but only median build costs, the margin of viability is likely to be smaller than indicated within the viability study. Sufficient flexibility will therefore be required to ensure that development can proceed viably.</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p><u>Payment by Instalments</u></p> <p>3.23 At the time of writing no draft instalments policy had been published. WODC should consider preparing such a policy to ensure that CIL does not create unnecessary cashflow problems for developers.</p> <p><u>Summary</u></p> <p>3.24 The significant reduction of the rate of CIL for developments of 11+ dwellings in WODC from £200 per square metre (proposed within the PDCS) to £100 per square metre (proposed within the DCS) means that a much wider range of larger developments can be delivered, but the sensitivity testing provided by AV indicates that some medium-sized developments in lower value areas may still struggle to viably pay the £100 rate.</p> <p>3.25 Should the £100 rate be adopted, it is likely that the number of affordable homes delivered in these lower value areas may reduce. WODC should therefore consider either a reduced rate of CIL for developments of 11+ dwellings in lower value areas (such as Carterton) or a lower affordable housing requirement. The introduction of an instalments policy could also be crucial in ensuring that CIL does not stall development.</p> <p>4.0 CONCLUSIONS</p> <p>4.1 This review has examined the key components of the AV Viability Study, which underpins the WODC DCS. Whilst the decrease in the rate of CIL for developments of 11+ dwellings from £200 per square metre (as proposed in the PDCS) to £100 per square metre is welcomed, a number of issues have been highlighted in this review which require attention. The extent to which the DCS and viability evidence meets the requirements of PPG (as identified in Section 2) is considered below:</p> <p>Be in alignment with an up-to-date local plan (adopted or emerging alongside CIL): WODC's CIL is being brought forward alongside its new Local Plan. However, as the Inspector appointed to examine the Maldon Local Plan and CIL concluded, it is necessary to determine the soundness of the Local Plan first to ensure that the need for Infrastructure is properly aligned with the likely scale of housing development.</p> <p>Given that WODC's local plan is planning for a lower number of dwellings than the Council's SHMA indicates is needed, there is a chance that the Local Plan will be found unsound. On this basis, WODC's infrastructure requirements may need to be re-calculated</p> <p>Strike a balance between securing required investment for infrastructure and ensuring the Local Plan can be delivered viably: The reduction in top rate of CIL for developments of 11+ dwellings is likely to ensure that a greater number of schemes are able to be brought forward. However, analysis set out in Section 3 of this review indicates that some scheme typologies may still not be viable, and require either a</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>reduction in affordable housing or CIL.</p> <p>Take account of costs of meeting regulatory requirements, including affordable housing provision and site-specific requirements: The Viability Appraisal makes reasonable assumptions of the costs associated with development (notwithstanding concerns that construction costs may have been under-estimated), including allowances for site specific S106 costs and the provision of affordable housing. Provide variable rates where certain development types (or development in certain locations) would not be viable under a flat rate of CIL: Although value zones are defined, a flat rate of CIL is applied for larger developments across the whole district. This means that in some lower value areas (such as Carterton), development would not be viable if build costs were increased by as little as 5%. A lower rate for this expanded lower value zone should therefore be considered.</p> <p>Incorporate a buffer of sufficient size to ensure that changes in the wider economy do not threaten the viability of developments: As with the cases highlighted above, the application of sales value assumptions which are potentially too high (the top end of a range has been taken to reflect a new built premium, which is not uniformly evidence in the areas analysed) and build costs which are potentially too low, the large buffer discussed in the Viability Study may actually be much smaller (or even non-existent for some typologies). The discounting of TLVs by 25% to reflect CIL being paid out of land value (a rate stressed as a maximum by the Greater Norwich CIL Examination Inspector) is also considered excessive, and a lower rate could further reduce the buffer.</p> <p>Clearly define which items of infrastructure are to be funded through CIL and which are to be funded through planning obligations: The draft Regulation 123 list for WODC is vague, and does not rule out any infrastructure potentially being funded through either CIL or S106.</p> <p>A clearer distinction is likely to be required.</p> <p>4.2 These issues mean that viability in lower value areas in particular is likely to be more marginal than suggested by the Viability Study. A reduction in the rate of CIL payable in the lower value area (such as Carterton) should be considered in order to ensure that as much affordable housing can be delivered as possible.</p> <p>4.3 We believe that these issues will need to be taken into consideration and appropriate adjustments to the evidence made before the DCS can be submitted for examination.</p>			
21	David Wilson Homes Southern	Barton Willmore	46	<p>2.0 SUMMARY OF CIL GUIDANCE</p> <p>2.1 The Planning Practice Guidance (PPG) outlines the expectations of Government with regards to the introduction and operation of CIL, clarifying key legislation including the Planning Act 2008 and the CIL Regulations (2010 and amendments).</p> <p>Alignment with Local Plan</p>	<p>CIL is intended to operate alongside an up to date and relevant Local Plan and should not threaten the viability of development.</p> <p>The proposed CIL rate should be informed by appropriate evidence and an 'appropriate balance' struck.</p>	<p>The comments are duly noted and are considered to have largely been addressed through the Council's charging schedule and supporting evidence base.</p> <p>It is acknowledged that payment of CIL</p>	<p>Draft charging schedule revised to include reference to the payment of CIL by</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>2.2 CIL is intended to operate alongside an up-to-date and relevant Local Plan:</p> <p>"Charging schedules should be consistent with, and support the implementation of, up-to-date relevant Plans." (PPG ID: 25-010)</p> <p>2.3 Most importantly, CIL must not threaten the viability of development identified within the relevant Plan:</p> <p>"Charging Authorities should set a rate which does not threaten the ability to develop viably the sites and scale of development identified in the relevant Plan" (PPG ID: 25-008)</p> <p>Setting Rates</p> <p>2.4 It is the responsibility of the relevant Charging Authority to set rates of CIL for their area which are based on appropriate evidence.</p> <p>"Charging authorities need to demonstrate that their proposed levy rate or rates are informed by 'appropriate available' evidence and consistent with evidence across their area as a whole" (PPG ID: 25-019)</p> <p>2.5 The concept of balance (between promoting development and securing investment) is said to be central to the charge-setting process:</p> <p>"The levy is expected to have a positive effect on development across a local plan area. When deciding the levy rates, an appropriate balance must be struck between additional investment to support development and the potential effect on the viability of developments. This balance is at the centre of the charge-setting process." (PPG ID: 25-009; Our Emphasis)</p> <p>2.6 To achieve balance, Charging Authorities need to undertake viability appraisal work summarising the effects of adopting the suggested rates of CIL:</p> <p>"Charging authorities will need to summarise their economic viability evidence. This evidence should be presented in a document (separate from the charging schedule) that shows the potential effects of the proposed levy rate or rates on the economic viability of development across the authority's area" (PPG ID: 25-018)</p> <p>2.7 This viability evidence must take account of development costs, including the costs associated with local policies such as affordable housing and planning obligations:</p> <p>"A realistic understanding of costs is essential to the proper assessment of viability in an area.</p> <p>Development costs include costs arising from existing regulatory requirements, and any policies on planning obligations in the relevant Plan, such as policies on affordable housing and identified site-specific requirements for Strategic Sites."</p> <p>(PPG ID: 25-020)</p>	<p>Viability evidence is needed and must take account of relevant development costs including those arising from any policy requirements.</p> <p>Differential rates should be considered to ensure viability having regard to location, scale and type of development. Where development viability would be threatened by CIL, a zero rate should be applied.</p> <p>A sufficient viability buffer needs to be applied.</p> <p>Clarity is needed in relation to identified infrastructure requirements and what developers will be expected to pay for and through which route.</p> <p>Charging authorities are permitted to accept CIL payments in instalments.</p>	<p>by instalments would assist with developer cash flow and this is reflected in the revised draft charging schedule.</p>	<p>instalments.</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>2.8 The key output of the viability appraisal is robust proof that the proposed rates of CIL would not harm the viability of development in the area. Independent testing and critique of the viability evidence is an important part of proving this robustness.</p> <p>Differential Rates</p> <p>2.9 It is highly unlikely that all development across the area in question over the plan period will be uniform, and it is therefore important that a suitable range of scheme types are tested within the viability appraisal. This ensures that the Local Plan will not be undermined by certain development types being unable to proceed viably.</p> <p>"A charging authority should directly sample an appropriate range of types of sites across its area ... The sampling should reflect a selection of the different types of sites included in the relevant Plan, and should be consistent with viability assessment undertaken as part of plan-making ... Fine-grained sampling is also likely to be necessary where they wish to differentiate between categories or scales of intended use." (PPG ID: 25-019)</p> <p>2.10 The CIL regulations permit the use of differential rates to ensure viability, suggesting that rate variations may be appropriate in relation to:</p> <p>"- Geographical Zones within the charging authority's boundary;- Types of development; and/or- Scales of Development" (PPG ID: 25-021)</p> <p>2.11 Charging authorities should, however, avoid undue complexity in setting differential rates.</p> <p>2.12 Where viability evidence indicates that a particularly type of development is likely to be threatened by CIL, a low or zero rate should be applied:</p> <p>"If the evidence shows that the area includes a zone, which could be a strategic site, which has low, very low or zero viability, the charging authority should consider setting a low or zero levy rate in that area. The same principle should apply where the evidence shows similarly low viability for particular types and/or scales of development." (PPG ID: 25-021)</p> <p>Proposed Rates</p> <p>2.13 The rates that the charging authority ultimately propose do not necessarily need to mirror exactly the outputs of the viability appraisal. The findings do, however, need to be applied pragmatically and with sufficient 'buffer' to respond to changes in wider economic circumstances:</p> <p>"A charging authority's proposed rate or rates should be reasonable, given the available evidence, but there is no requirement for a proposed rate to exactly mirror the evidence. For example, this might not be appropriate if the evidence pointed to setting a charge right at the margins of viability. There is room for some pragmatism. It would be appropriate to ensure that a 'buffer' or margin is included, so that the levy rate is able to support development when economic circumstances adjust. In all cases, the charging authority should be able to explain its approach clearly." (PPG ID:</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>25-019; our emphasis)</p> <p>Infrastructure to be funded</p> <p>2.14 As stated in the introduction to this report, CIL is primarily used to fund new community infrastructure required within the area as a result of development:</p> <p>"The levy can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities ... The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development." (PPG ID: 25-071; our emphasis)</p> <p>Relationship with Planning Obligations/S106</p> <p>2.15 Planning obligations in form of S106 agreements continue to be of use once CIL is adopted, but it is important that a) the combined effect of CIL and S106 does not threaten viability and b) developers are not asked to pay for the same piece of infrastructure twice ('double dipping'):</p> <p>"Developers may be asked to provide contributions for infrastructure in several ways. This may be by way of the Community Infrastructure Levy and planning obligations in the form of section 106 agreements ... Local authorities should ensure that the combined total impact of such requests does not threaten the viability of the sites and scale of development identified in the development plan ...</p> <p>Where the levy is in place for an area, charging authorities should work proactively with developers to ensure they are clear about the authorities' infrastructure needs and what developers will be expected to pay through which route. There should not be actual or perceived 'double dipping' with developers paying twice for the same item of infrastructure" (PPG ID: 25-093; Our Emphasis)</p> <p>Payment by Instalments</p> <p>2.16 Charging authorities are permitted to allow CIL to be paid in instalments, subject to an instalments policy being published on their website. This can be of benefit to developers, who rarely realise any value on their developments until completion. Allowing an instalments policy is a material consideration in favour of supporting viability (PPG ID: 25-055).</p> <p>Summary</p> <p>2.17 To summarise, a CIL Charging Schedule and associated viability evidence must:</p> <p>Be in alignment with an up-to-date local plan (adopted or emerging alongside CIL)</p> <p>Strike a balance between securing required investment for infrastructure and ensuring the Local Plan can be delivered viably Take account of costs of meeting regulatory requirements, including affordable housing provision and site-specific</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>requirements</p> <p>Provide variable rates where certain development types (or development in certain locations) would not be viable under a flat rate of CIL</p> <p>Incorporate a buffer of sufficient size to ensure that changes in the wider economy do not threaten the viability of developments</p> <p>Clearly define which items of infrastructure are to be funded through CIL and which are to be funded through planning obligations</p> <p>2.18 It is also good practice to allow an instalments policy, particularly where viability could be considered to be marginal.</p> <p>2.19 The extent to which the DCS and supporting evidence for WODC meets these criteria is considered in Sections 3 and 4. 24875/ (See Response to Residential CIL rates section and attached document)</p>			
22	West Oxfordshire Developers Consortium	Edgars	47	<p>The level of CIL proposed is considered to be too high and based on, in particular, unrealistic assumptions of build costs. Consequently as a high CIL level (certainly in comparison to neighbouring local authorities) it must be noted that unless exemptions apply to individual schemes, the charge level will not and cannot be subject to viability testing.</p> <p>The consortium therefore considers that the ability of the building industry to viably deliver houses across WODC is therefore at question.</p> <p>Furthermore in setting the level of affordable housing thresholds across the country the government objective was to reduce the burden for small developers. The proposals as drafted fly in the face of this objective. Therefore the CIL proposal as drafted is considered to have an adverse impact on the viability of small and medium housing projects across West Oxfordshire and housing delivery would be affected. This is clearly contrary to the social and economic objectives in the NPPF.</p> <p><u>Build Cost Figures</u></p> <p>The build cost figures have been adapted since the previous consultation draft but the figures are still considered to underestimate the true build cost figures, previously highlighted in the Consortiums submission to the Council, and even more so now that the slump in the building trade has receded and costs are increasing above inflation figures. Build cost figures should be run through the viability testing at higher levels than that suggested. For small scale developments of 1-5 units the build costs should be in the order of £1,800psm (rather than £1,400psm or £1,221 as suggested); at £1,600 psm for schemes of 6-10 units (rather than the £1,084-£1,221psm used in the viability modelling') and a figure of £1,300psm on schemes of up to 30 units. If these revised figures alone are taken into account on the schemes of 1-10 units (Scheme Ref 1-22) each of the proposals becomes marginal or unviable with CIL charges set at £200psm. Furthermore it is suggested that the schemes of 12-15 houses (Scheme Ref 23-31, and up to at least 30 houses based on our evidence</p>	<p>The proposed CIL charges are too high (certainly in comparison to neighbouring authorities) and will impact on the delivery of new homes in the District due to viability.</p> <p>The proposals as drafted also fly in the face of the Government's objective to reduce the burden placed on small developers.</p> <p>Whilst the build cost assumptions have been amended since the preliminary consultation, they are still too low and the assessment should be re-run using higher figures (suggestions provided). This would show minimal or no viability on the 1-10 unit typologies.</p> <p>This also has a knock-on effect on the external works allowance which is taken as a percentage of build costs.</p> <p>In the AONB, even the lower proposed CIL rate of £100 per sq m raises viability issues and sites will be subject to constant viability testing.</p>	<p>The build cost assumptions used in the viability assessment are considered to be reasonable and robust and take on board a number of comments raised at previous stages.</p> <p>The assumptions are well evidenced based on BCIS data.</p> <p>Whilst there will always be instances where build costs may be exceptionally high, what has been modelled is considered to be suitably representative.</p> <p>The external works allowance was previously increased to 15% in line with responses made at earlier stages. This is reflected in the second EVA update report (December 2016).</p> <p>The proposed CIL rates are not considered to be unreasonably high in comparison with neighbouring authorities and in any case, the rate should be based on local evidence, not benchmarked against other areas.</p> <p>In terms of the national policy position of removing the burden from small-scale developers, this has been fully</p>	No changes proposed.

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>of recent local projects) also become unviable with a CIL charge level of £100psm and affordable housing delivered on site in the proportions proposed.</p> <p><u>External Works</u></p> <p>The cost of external works as a percentage of overall build costs has been increased in the current EVA from 10% to 15% in accordance with the Consortiums suggestion in relation to the previous preliminary charging schedule.</p> <p>There is however a large difference in external works figures from site to site. It is considered that in terms of viability this figure should be recognized as the bottom end of the range. As external works are calculated as a percentage of build costs, a revised overall build costs figure of 30-33%, as suggested, will also result in a corresponding increase in external works costs in each of the viability models, thereby increasing overall build cost and reducing the level of surplus, and the amount for affordable housing/CIL to be viability tested.</p> <p>As such the viability and deliverability of new houses is seriously at risk, contrary to the objectives of the NPPF to deliver growth and new housing. In the AONB where CIL levels are set at £100psm, with affordable housing to be provided on a £100psm basis (subject to viability), there are still considered to be viability issues with the CIL levels proposed. The implications are that affordable housing viability on both larger sites and contributions on sites of 6-10 in the AONB will be constantly subject of viability testing.</p> <p>This is contrary to the objectives of the NPPF and CIL regulations which seek to provide certainty over developers' costs, promote growth and housing delivery and aims to speed up the planning process.</p>		<p>recognised by the District Council on both the pre-submission draft Local Plan and the CIL draft charging schedule with smaller schemes of 10 or less units now only required to pay CIL (plus a contribution towards affordable housing if located within the AONB).</p> <p>This approach is entirely consistent with the Government's policy objective.</p>	
22	West Oxfordshire Developers Consortium	Edgars	48	<p>VIABILITY MODEL</p> <p>4.9 The areas of concern in the CIL draft charging schedules relate to a number of points including, the information used in the viability models, particularly the appropriateness of the typologies of housing development, the stated build costs which have led to the level at which the charges are set and the threshold used for CIL payments. In addition and as a related point there are concerns on the grounds of viability about the proposed requirement for affordable housing on sites of more than 5 houses; the range and level of affordable housing payment required and the equity of such an approach; a nil CIL charge on schemes of less than 5 houses and its impact particularly on rural parishes; the impact of retail charges for village shops and the lack of overall NPPF/CIL compliance in these respects. These points are expanded upon below.</p> <p>CIL charging schedule and Policy compliance</p> <p>4.10 It is considered critical in analysing a typical development and the impact of both CIL and affordable housing contributions on viability that all the planning policy scenarios' are considered. In this case the smaller housing developments considered in schemes 4-6 of the AVR consider schemes purely on the basis of larger detached</p>	<p>Concern that the residential typologies tested do not reflect identified needs and are based on unrealistic densities.</p> <p>Object to the low level of build cost assumed in the viability assessment for small scale schemes and also the use of different build costs by geographic area.</p> <p>External works allowance should be increased to 15%.</p> <p>Object to the exemption of small-scale residential schemes from CIL which is inequitable.</p> <p>Proposed residential CIL rate is much higher than neighbouring authorities including Oxford City.</p>	<p>The comments (which stem from the preliminary draft CIL consultation) were previously noted and have been largely addressed.</p> <p>The housing mix used in the residential typologies has been revised to more clearly reflect the Oxfordshire SHMA, build cost assumptions have been amended to take account of more recently available data, the external works allowance has been increased to 15% as suggested and small-scale residential schemes are no longer to be exempt from CIL (apart from registered self-build).</p> <p>The comparison with other adjoining authorities is not relevant - CIL should be based on local evidence of viability</p>	No changes proposed.

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>houses being built on the site. The development typology has been used based on past completions (Aspinall Verdi Report page 46 paragraph 5.13). However it has been demonstrated that past completions have failed to reflect the Local Plan policies to create smaller dwellings.</p> <p>4.11 The proposed typologies should reflect the identified need in an up to date SHMA (not currently available), the last housing needs assessment (DCA Consultants (2011) West Oxfordshire Housing Needs Assessment Update) or Core Policy 7 of the draft Local Plan which seeks to address the housing needs of WODC and the imbalance of larger properties over smaller properties highlighted (WODC (2012) Draft Local Plan paragraph 5.13-5.19). Here the housing needs of the area identify that a more accurate and policy compliant typology would involve homes including 1x3 bedroom detached, 1x 3 bed pair of semi-detached homes, 1x 2 bed unit and 1x4 bed unit. Furthermore as there is no evidence to suggest that different value areas have different housing requirements a policy compliant mix as suggested should be used in the viability model universally over the District and not as currently proposed in different proportions within different areas.</p> <p>4.12 In addition the AVR approach which suggests only detached houses is considered invalid as, in the case of scheme 4, a plot of 0.1Ha is unlikely to accommodate 5 x 4bed houses in a visually or architecturally acceptable manner in a village location.</p> <p>4.13 The housing mixes as shown imply that the areas which are more expensive will continue to accommodate higher value houses and that the lower value areas will continue to accommodate smaller property. This is not a policy objective of the Local Plan. Indeed polarisation of the community into more expensive rural areas and less expensive more urban areas is not equitable in the provision of rural homes and clearly contrary to local and national planning policy.</p> <p>4.14 In conclusion due to the non-policy compliant mix of house types, the unrealistic density of houses and the different typologies across different value areas the basis of the calculation of the CIL and affordable housing payments is considered flawed from the outset and clearly at odds with CIL guidance, the social and economic objectives of the NPPF and the draft and adopted Local Plan.</p> <p>Build costs</p> <p>4.15 Attached at Appendix 2 is a list of the estimated and actual build costs associated with specific projects within the whole of WODC, carried out by the consortium or by other small developers. In addition BCIS figures have been produced for smaller scale developments and estate development in West Oxfordshire dated at April 2013 (see Appendix 3).</p> <p>4.16 In relation to the developer's figures submitted to WODC as part of on-going viability assessments, these have all been accepted as an accurate reflection of the build costs associated with residential housing schemes within the locality. These figures show significant differences between the build costs identified by the AVR and the actual cost of building highlighted by the consortium data. In particular the</p>	<p>Concern about the impact of the proposed retail CIL rate on the provision of small shops.</p> <p>Object to proposed approach towards affordable housing commuted sums. This should have regard to the size of development proposed.</p> <p>The threshold for on-site provision of affordable housing should be raised to developments of over 10 dwellings.</p> <p>The viability testing should incorporate testing of previously developed typologies.</p> <p>The Council should prepare a standard pro forma spreadsheet to allow a transparent and agreed calculation of viability for most cases.</p>	<p>which varies from area to area.</p> <p>In terms of small-scale retail proposals the viability evidence includes a small-scale retail typology and demonstrates that such developments are able to sustain a CIL payment.</p> <p>The proposed approach towards affordable housing commuted sums is now based on the size of market homes proposed (£ per sq m) and the threshold for on-site provision has been increased to 11 or more dwellings.</p> <p>The viability testing also includes a number of 'brownfield' typologies. In terms of the need to develop a standard viability pro forma, the Council is seeking to avoid the need for viability debates on all applications through the use of a reasonable CIL rate and affordable housing requirement.</p> <p>In some instances it may be necessary for further site-specific viability evidence to be prepared e.g. where a scheme has exceptional costs or very high existing use value.</p>	

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>discrepancy is greatest where the sites of 10 houses are considered but also apply in the five unit and one unit scheme examples.</p> <p>4.17 The figure used from BCIS in the AVR for housing schemes of 10 houses (schemes 7-9) is £838 psm, whereas the figures prepared by the consortium appraisals and accepted by WODC in numerous viability reports show an overall rate of around £1200-1325 psm. By way of evidence a number of budget build cost assessments for sites of this type and size within WODC (medium area) highlight this fact. These are figures prepared by Edgars Limited in their Quantity Surveying capacity specifically for the client in order to budget for the costs of development. They corroborate the figures provided in the submissions to the LPA as part of current viability testing and the actual build cost figures. A significant discrepancy in excess of 30% between the AVR and the consortiums actual build costs results in the figures used for all the 10 house schemes being inaccurate.</p> <p>4.18 It is suggested that the build cost figures need to be adjusted to properly reflect the true build costs locally. It is suggested that the low BCIS figure used by AV is a result of these figures including volume house builders on the larger sites in the District. These figures will therefore be significantly skewed and will not be directly relevant to schemes of 15 or less.</p> <p>4.19 The consortium also takes issue with the different build cost figures used between different areas of WODC. Whilst end values may vary across the District, build costs are not different between these general areas of WODC. The reduction in build costs between the various areas implies a reduction in the quality of the build. In reality the lower and medium value areas include Conservation Areas, the Cotswold AONB and a particularly high quality to the built environment, as identified in the policy section of this report. A difference of 25% between the high cost areas and lower cost areas is therefore simply unrealistic and does not reflect the true cost of development in WODC as experienced by the consortium. Furthermore it is considered that the BCIS figures obtained by Edgars (Appendix 3) for West Oxfordshire do not highlight such a discrepancy in build rate figures in any geographic terms. For the purposes of build costs, splitting the areas geographically seems to have been undertaken in an arbitrary fashion in the AVR, without reference to local evidence held by the Council, the BCIS figures or having regard to the planning constraints which would influence build costs.</p> <p>4.20 The actual BCIS figures give a range of build costs, with a high and a low figure. The average cost for 2 storey dwellings (mean figure) is £1,485psm, which is significantly above the higher band identified £1224psm figure in the AVR. The BCIS middle (median) build cost figure for 2 storey houses is £1,296 psm, again above the higher figure in the AVR.</p> <p>4.21 A further flaw in the use of the BCIS build cost figures used in the AVR and models is that they are not correctly weighted to take account of changes in the current building regulation requirements. The BCIS figures are based on figures submitted by developers for inclusion within the BCIS database and are used for a fifteen year period. All costs are updated according to build cost inflation, but not</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>changes in building control requirements. Over the past 15 years the CSH and improvements to building standards through the Building Regulations Part M have increased build costs. The additional cost for each stage of the CSH alone is recognised in the AVR at page 35, Table 4.2. What is relevant here is that the BCIS figures used in the modelling have been assumed to be at Code Level 4 on the basis that the draft Local Plan, Core policy 3 requires compliance with Level 4 from 2013</p> <p>This is simply not the case. Notwithstanding that the policy has not come into effect and not in force the BCIS figures do not have regard to emerging Local Plan policy or Building Regulations'. The reasonable assumption to make in respect of the code level at which dwellings were built, and therefore a reasonable expected increase in the build cost as reflected in the BCIS figures, is somewhere between Code Level 1 and Code Level 3. The figures supplied by the consortium at Appendix 2 are built in accordance with Code level 3 and are therefore considered to be more reliable build cost in this respect.</p> <p>4.22 It is also important to highlight that the sensitivity testing assumes a 20% future increase in build costs to accommodate changes in CSH Level 4 to Level 6. The West Oxfordshire commissioned report actually highlights an expected rise of 30% in build costs to accommodate this legislative change. However even accepting a 20% rise, in order for the figures in the model to be correct it is first necessary to increase the build costs from Code level 1-3 to Code level 4. Table 4.2 in the AVR helpfully highlights the increase in cost due to the imposition of Code for Sustainable Homes Level 4 from Code Level 3 as 8%. As the AVR assumes that the costs will be compliant with CSH level 4 these figures are also flawed in this respect.</p> <p>4.23 It is considered that the build costs used in the viability appraisal are significantly flawed as they take insufficient account of the character of these areas rather than the end value , figures in viability reports accepted as accurate and correct by the Council or the correct CSH and should therefore be significantly higher. As such the viability and deliverability of new houses is seriously at risk, contrary to the objectives of the NPPF to deliver growth and new housing. It is requested that the models are re-run to take account of these comments.</p> <p>External Works</p> <p>4.24 External works are not figures included within the BCIS figures. It is considered that the 10% figure allowed is too low and that a more realistic figure would be 15%. This is based on previous project costs by the consortium and detailed budget costs prepared by Edgars for clients in West Oxfordshire in their capacity as Chartered Quantity Surveyors (see examples at Appendix 2).</p> <p>4.25 An increase in the external works figure to 15% to represent the actual figures experienced locally should be made.</p> <p>CONCERNS RELATING TO THE PROPOSED CHARGING SCHEDULE FOR CIL</p> <p>Threshold charging over 5 houses</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>4.26 The consortium is concerned that the policy as proposed, which excludes a charge on houses being provided on development sites of less than 6 houses, will result in many rural villages accepting individual developments of 5 or less houses due not only to the potential for threshold dodging but as the physical nature of the settlements and the current draft Local plan policies limits developments to small developments. As such CIL payments are not likely to be realised on any developments within a large number of settlements in WODC.</p> <p>4.27 On the basis that all residential developments will have the documented cumulative effect on services in terms of schools, recreation facilities, infrastructure; it is equitable that each new house pays an amount. This is recognised in the AVR at paragraph 5.67. Indeed the CIL regulations only allow exemptions in exceptional cases (see paragraph 3.9 above).</p> <p>4.28 In addition as already highlighted in the policy section the government intention is clearly that local communities should benefit from CIL payments by at least 15% of capital receipts. Setting the threshold at 6 houses will mean that for the majority of Parishes outside the main service centres and rural service centres, there will be no benefit from the anticipated small scale development, contrary to the NPPF and CIL guidelines. In this case developers are likely to be in the position of having to either face criticism for avoiding making payments to the local community or negotiating section 106 payments with the Parishes on every application. This will add to the delay in the planning process and does not create the direct link between development and financial recompense to the local community anticipated by central government between CIL. It will also limit the collection of payments from only 5 individual developments to a common project through Section 106 agreements, thereby significantly reducing anticipated receipts or significantly increasing the burden on a selection of development.</p> <p>4.29 The proposed threshold to CIL charging schedule will also result in a scenario where there would be no payment on a £1 million house built within the garden of a cottage but 6x2 bed starter homes would have to pay a considerable amount (and affordable housing payments). Such a policy is considered to be open to criticism for being unfair, in direct conflict with the NPPF, CIL legislation and the objectives of the emerging Local Plan in respect of housing mix and size by being prejudiced against smaller more market affordable property.</p> <p>4.30 It is considered that a threshold for payments will create similar problems to that identified below at paragraphs 4.35-4.44 with the existing affordable housing policy. By adding a significant additional cost to every development where over 6 houses are proposed, it will encourage schemes to be developed below the threshold.</p> <p>Comparison with other Oxfordshire LPAs</p> <p>4.31 In addition it should be noted that the proposed charging schedule for residential uses is twice that which set only recently within Oxford City where residential values are significantly higher than West Oxfordshire. It is relevant to consider neighbouring authorities and their CIL rates as a means of reality checking</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>those rates proposed and evaluating how the cost of CIL may affect the deliverability of housing. It is considered that such a large disparity will have an impact on schemes coming forward within West Oxfordshire, thereby adversely affecting the delivery of the proposed housing figures.</p> <p>4.32 The threshold as proposed, on grounds of equity, encouraging threshold dodging and lack of benefit to local communities is directly in conflict with government objectives and the social, economic and environmental objectives stated in the NPPF that comprise sustainable development</p> <p>4.33 In light of the above concerns it is considered that the suggested level of £200/m2 for housing developments is too great for West Oxfordshire. Clearly with correct build cost and external works figures the viability of the proposed rate will diminish significantly. It is considered that a lower rate which could be applicable across all development should be tested and set. Such an approach if at the right level to also allow for affordable housing provision (subject where necessary to viability testing) and variation in GDVs across the District, would ensure equity.</p> <p>Shops</p> <p>4.34 Whilst the remit of this report relates mostly to housing, retail activity and the provision of community services is clearly in line with adopted and draft Local Plan policy. It is considered that the charge rate of £160/m2 on all retail uses outside the town centres will dissuade local initiatives to create shops. This is in direct conflict with the NPPF, the Local Plan and the need to promote sustainable development within the rural areas. It is considered that small shops should be exempt from this charge in order to promote local services and businesses which will serve and support new households across the District.</p> <p>PROPOSED AFFORDABLE HOUSING POLICY</p> <p>Background and evaluation of existing affordable housing policy</p> <p>4.35 It is considered useful to reflect on the effect of the previous affordable housing policy in terms of affordable housing delivery, the impact on market housing delivery in the larger settlements and rural areas and whether this achieved the objectives in the existing Local Plan. It can also highlight issues relating to threshold avoidance and the consequences on the type of housing delivered across the District.</p> <p>4.36 An up to date list of affordable housing delivery is recorded in the 2013 AMR. The relevant page annotated to highlight the relevance of each site is attached at Appendix 4. It highlights delivery largely within the service settlements, particularly Witney and Carterton (on strategic sites), but few development of 1 and 2 houses in the villages as a result of Policies H6, H7 and H11 requiring 50% on sites of 2 or more houses. Despite this low affordable delivery in the rural settlements of around 18 houses on smaller sites as a result of Policy H11, housing development and growth in the villages has been significant.</p> <p>4.37 It is the consortiums view that the high incidence of single units on sites in the</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>rural areas has been led by the 1 for 1 affordable housing policy. It should be noted that prior to 2006 the delivery of houses in the rural areas included a greater number of sites with more than one house built on plots coming forward, hence the expectation of higher delivery of affordable housing in the rural areas on small sites of less than 15, of around 100-12 units. This is further highlighted in the WODC 2005 annual monitoring report where it was explained that housing proposals on 55 sites outside Witney, Carterton, Eynsham and Chipping Norton would deliver a total of 202 houses, all of which would have been eligible under the H11 policy to contribute towards affordable housing. The actual delivery of around 20 affordable houses, largely on sites of over 10 houses as a result of and since this policy H11 was adopted in 2006, is not considered to have lived up to Policy expectations.</p> <p>4.38 Furthermore the AVR has reviewed the delivery of houses within WODC in the last 3 years and has commented upon the housing delivery reliance on single dwelling sites (Aspinall Verdi Report 2013 Page 46 paragraph 5.12) at significantly lower density than has been recommended in the WOLP 2011 or by previous government guidance (PPG3). The development industry is part of a market economy where maximising profit is the driving force in all industry. It is considered that Policies H5, H6, H7 and H11 have had the effect of making the submission of single dwelling applications financially more attractive particularly on Greenfield sites. It is noticeable that in the larger settlements where the threshold is 15 houses before affordable housing is required that development proposals have often entailed larger number of houses.</p> <p>4.39 Therefore given the 2 house threshold for onsite affordable housing a predominance of single dwelling sites was inevitable for a variety of reasons which have been highlighted previously with evidence in response to the proposed affordable housing policy and include;</p> <p>a) To maximise profits and land values</p> <p>b) that where existing landowners are giving over a parcel of garden land or buildings they have been insistent that only one house is built to prevent a perceived depreciation in value with the presence of an affordable housing adjoining their property.</p> <p>c) It has not been possible to finance the cost of an affordable house build with the banks</p> <p>d) The existing use value of a site would not viably allow the provision of affordable housing</p> <p>e) No RSL would be prepared to manage an individual unit on the site.</p> <p>4.40 More recently it has become usual for developers to make commuted sum payments rather than make provision on site. This applies particularly to sites where more than 1 unit is proposed and where there is an EUV, in the form of an existing house or business, to be considered. The details regarding the capital receipts from</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>these agreements towards affordable housing is attached at Appendix 4 but is a draft schedule which seems to include in some cases other Section 106 payments. The consortium can report that the usual figure agreed based on viability testing to be around 10-25K per plot.</p> <p>4.41 The commuted sums agreed highlight that there is a willingness to make contributions towards affordable housing, although the agreed level is very largely determined by the individual site circumstances. The method of calculating individual site viability differs from development to development, however a number of recurring themes are clear including the level of profit acceptable being around 20-22% and a consistent level of build costs across the District. In addition the point at which development of affordable homes on site is considered to be financially viable and in terms of the points highlighted in at paragraph 4.5 above is around 10-15 houses.</p> <p>4.42 Not only has the previous affordable housing policy led to limited provision of affordable houses built but the policy has also led to a prevalence of larger houses being built within the rural areas and smaller units within the four larger settlements with an affordable threshold of 15 houses. This can be seen in the change of permissions granted after 2006 and also in the composition of house types revealed in the Census information from 2001-2011. Two examples have been used including the Witney Central Ward and the Standlake, Aston and Stanton Harcourt Ward. Two key figures are the number of houses with 8 or more rooms in the Standlake Ward which increased from a total of 419 in 2001 to a total of 541 in 2011. The number of 2 room households or less remained largely the same. In Witney, the number of 2 room households or less increased from 19 to 106 and the number of 3 room households increased from 63 to 242. As a proportion of the total housing stock this type of housing increased significantly. It is the view of the consortium, and is apparent from the Councils annual monitoring reports, that the prevalence of the larger houses on single plots has increased since June 2006 when the affordable housing policy came into force.</p> <p>4.43 The increase in the house sizes has also had an inevitable corresponding impact on the affordability of houses to residents of this rural population and runs counter to the recognised need for smaller houses in order to cater for reducing household sizes and to cater for market affordable houses.</p> <p>4.44 From an examination of the delivery of affordable housing and commuted sum payments in the existing policy context a number of conclusions can be reached which can inform the current assessment of viability. The existing affordable housing policy H11 is considered to have failed to deliver the expected number of particularly rural affordable homes anticipated, due in part to threshold dodging. Where affordable units have been provided on site this has been predominantly on sites of more than 10 units; there is a willingness to make contributions of around £10-25K per plot based on a site by site viability including Brownfield sites, and the number of single larger dwellings built on larger plots which could have accommodated further smaller housing is noticeable since 2006.</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>Proposed area charging schedule for schemes of less than 6 houses.</p> <p>4.45 Notwithstanding the points made above concerning differential build costs within the District, it is appreciated and agreed in principle that GDV and land values do differ considerably across the District and this could be considered in the resultant amount contributed by development towards affordable housing. However the differentials between the areas are considered to be too great (they are four times higher in the higher value areas) and have no basis in terms of draft local plan policy and need for affordable housing in one area rather than another and the use of postcodes to identify areas for different values leads to a number of clear anomalies.</p> <p>4.46 In this case a couple of obvious examples of areas with lower values than the categories they are assumed to lie within are Chipping Norton and Middle Barton. Both these settlements are surrounded by a number of smaller settlements with significantly different values. In the case of Middle Barton Great Tew, Little Tew and a number of small attractive hamlets skew the figures significantly. In the case of Chipping Norton the lower values of property within the town itself compared to surrounding villages is clearly highlighted in the AVR at paragraph 5.81 point 6. The evidence of these anomalies is clear from Rightmove sold prices.</p> <p>4.47 Chipping Norton, is identified in Core Policy 2 of the draft Local Plan as a settlement which is a main service centre and will accommodate housing growth. The anomaly of the values in this otherwise high value area and the consequent proposed rates to be charged for affordable housing in the medium rather than the low bracket as commuted sums or the 40% on site provision when more than 5 units are proposed, is considered to be a potential threat to the viability of housing delivery in that particular area.</p> <p>4.48 In Middle Barton the very highest rates of affordable housing levy proposed, with no account made of the size of property, is considered to be a threat to development viability particularly for those small scale and small housing schemes which are most likely to come forward under the relevant housing policy. As such most schemes for development in these two settlements are still likely to be subject to viability testing adding to delays and development delivery as well as additional costs.</p> <p>Flat rate for all house types</p> <p>4.49 A flat rate for all house types is considered to be inequitable, as clearly smaller market houses whilst not affordable in the true sense of the definition, will still be providing more affordable market housing. There is little incentive to build smaller houses despite the draft policy guidance to do so, when there is such a heavy financial penalty. In an extreme example a £1 million house in the higher rate areas would pay the same as a 2 bed flat in the same value area (Middle Barton) and significantly less than a mixed scheme of 5 houses, which would be liable to pay £275,000. Whilst a viability appraisal could tease out this issue, the policy should be drafted to accommodate such an obvious eventuality, which conflicts with housing policy objectives, and minimise the number of test made in the future.</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>4.50 It is considered that the charging schedule for affordable housing does not take into account the disproportionate burden this will place on smaller houses, identified in the housing needs survey¹⁴ and emerging Local Plan¹⁵ as the type of housing most required, but will rather encourage the development of larger houses. As a per unit payment rather than a payment based on house size the policy is unfairly biased, particularly in the most expensive parts of the District, towards the provision of larger houses. This will not achieve the social or economic objectives at the heart of providing of sustainable development.</p> <p>On site provision on sites of more than 6 units</p> <p>4.51 It is considered that the threshold for when affordable housing should be built on site be raised to at least 10. The arguments relating to having a threshold of 6 houses have already been submitted by the consortium members to WODC in relation to the draft Local Plan as highlighted above. The concerns highlighted remain. These are the difficulty of RSLs taking over the smaller sites with less than 4 houses provided on site. The banks will not lend on schemes that involve an element of affordable housing (see Appendix 5), most of these sites are Brownfield sites and the EUV would preclude being able to viably develop affordable housing on site. The uplift value for each plot on these sites is very limited making them very sensitive viably to landowners. Invariably the sites are owned by an adjoining householder who will simply not release a site if affordable housing is to be included. On smaller sites where affordable housing is required it is difficult to accommodate within a design some separation between the houses and therefore protect the end GDV of the market houses. This is more achievable on sites for 10 or more houses as is clearly highlighted in the schedule of affordable units provided by developers on site in the last plan period and list of sites where commuted sums have been agreed.</p> <p>4.52 It is also noticeable that a number of sites for between 6 and 10 small dwellings have come forward on Brownfield sites (Charlbury and Woodstock) and modest contributions made towards affordable housing (where the threshold for on site provision would otherwise be 2 houses). It is suggested that these sites would fail to come forward with the proposed regime where the affordable housing requirement on site and a CIL charging figure would make the development unviable, or else be submitted on the basis of less than 6 houses. This will further affect the deliverability of houses in WODC particularly in the rural sub areas and puts further into doubt the soundness of both the plan and this affordable housing policy.</p> <p>4.53 By way of reference to Oxford City currently with an affordable housing policy in place (adopted after the NPPF) and with higher values, the threshold for onsite affordable housing provision is 10 or more houses.</p> <p>Conclusions on affordable housing policy and payments</p> <p>4.54 It is agreed that affordable housing contributions from market housing should be made and that on site provision on larger sites is appropriate. However if the appropriate balance is not struck with this policy it is expected that financial viability tests relating to affordable housing will be submitted in association with every application made. This will not give certainty to the Council or the development</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>industry. If the overall rates are set at a reasonable level to be affordable for the majority of sites, taking into account the introduction of CSH allowing a reasonable increase in plot value to owners and a suggested CIL cost across the board, then some certainty can return to the market, developers can make informed offers for sites based on the changes and the level of time and cost taken to review the viability documents by the Council will be reduced.</p> <p>4.55 Some difference in rates paid across different value areas may be reasonable but the attempt to oversimplify the process resulting in some areas paying four times others and a flat rate regardless of house size is considered inequitable and damaging to other policy objectives. This clear discrepancy is considered to be inequitable and should be addressed in a refined payments based on floorspace and a refined postcode area.</p> <p>4.56 The threshold for on-site provision is considered to be set too low at 6 houses and should be raised to developments of over 10 dwellings in line with current local evidence and suggested emerging government policy.</p> <p>4.57 There will always be on site anomalies that will necessitate consideration of individual sites viability with regard to affordable housing contribution either in the form of commuted payments or in the form of onsite provision. It is strongly recommended that a pro forma spreadsheet is adopted by the Council which will allow a transparent and agreed calculation of viability for most cases.</p> <p>5.0 CONSORTIUM AREAS OF AGREEMENT AND SUGGESTIONS</p> <p>5.1 All members of the consortium recognise the need for contributions towards essential services and affordable housing. They understand and agree that a threshold for land values is an essential part of realising the level at which financial contributions can be achieved whilst still allowing a return on investment for the developer and most particularly some increased value for the landowner.</p> <p>5.2 It is agreed that the thresholds for affordable housing have led to a tendency to develop some sites within the threshold to avoid payment or provision of affordable housing. In future payments towards affordable housing and CIL should be applied at a reasonable and justified level across the board without a threshold. In order not to prejudice the development of smaller houses there should be a relationship between the size of units and the payments of affordable housing. To introduce a development size threshold will re-create the problems of previous years, identified above.</p> <p>5.3 In an attempt to highlight their experience and views and keep an open dialogue with their colleagues at WODC, consortium members have attended the consultation workshops with officers. They believe that due to their cumulative experience, delivery of housing and understanding of this particular local market that their views should be given significant weight in the Council's consideration of the proposed charging schedule and its likely impact on the economic viability of development within West Oxfordshire. To aid further discussions a list of outstanding queries and concerns discussed in this report is listed below. The</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>consortium look forward to a response in relation to these points</p> <p>6.0 LIST OF OUTSTANDING QUERIES AND CONCERNS</p> <p>6.1 The schedule should be devised alongside an up to date plan, or an up to date SHMA. These do not exist. It is considered that the affordable housing commuted sums, threshold for onsite provision and CIL charging schedule should be reviewed in the light of the new SHMA and amended Infrastructure Funding gap analysis.</p> <p>6.2 The affordable housing policy has been the subject of significant substantiated objections by the local development industry. In the light of this further evidence it is requested that the policy should be reviewed and not used as a reason to exclude CIL payments contrary to national guidance.</p> <p>6.3 The threshold approach to CIL fails to consider the social/community and economic benefits which would be given to local communities and contrary to CIL and NPPF guidance is not based on exceptional cost burdens. As such it is considered to be fundamentally in conflict with national planning policy.</p> <p>6.4 The threshold to CIL, encourages threshold dodging and a resultant housing mix at odds with the housing needs. How do the Council consider this will be avoided in light of past evidence.</p> <p>6.5 How do the Council reconcile the threshold approach to CIL which fails to consider the resulting lack of social/community and economic benefits which should be given to local communities in the light of a fundamentally in conflict with national planning policy.</p> <p>6.6 The policy governing the proposed CIL charging schedule requires a viability assessment approach based on realistic local build cost figures with geographical bias. The consortiums evidence is significantly at odds with the AVR and a revised calculation or explanation as to the discrepancy is sought from the Council particularly in respect of build costs, housing mix and geographically differential build costs.</p> <p>6.7 In order to be policy compliant it is requested that Brownfield viability testing is undertaken as part of a revised CIL schedule.</p> <p>6.8 In light of the above concerns it is considered that the suggested level of £200/m2 for housing developments is too great for West Oxfordshire. Clearly with correct build cost and external works figures the viability of the proposed rate will diminish significantly. It is considered that a lower rate which could be applicable across all development should be tested and set.</p> <p>6.9 It is considered that small shops should be exempt from this charge in order to promote local services and businesses which will serve and support new households across the District.</p> <p>6.10 The existing affordable housing Policy is considered to have failed to deliver the expected number of affordable homes anticipated and where affordable units have</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>been provided on site this has been predominantly on sites of more than 10 units. In light of this clear evidence why is the Council proceeding with the proposed threshold for on site affordable housing at 6 units</p> <p>6.11 It is considered that a universal charging schedule for affordable housing does not take into account the disproportionate burden this will place on smaller houses, identified in the housing needs survey and emerging Local Plan as the type of housing most required, but will rather encourage the development of larger houses. As a per unit payment rather than a payment based on house size the policy is unfairly biased, particularly in the most expensive parts of the District, towards the provision of larger houses. This will not achieve the social or economic objectives at the heart of providing of sustainable development. How do the Council reconcile this clear conflict with their draft Local Plan where a clear objective to provide smaller houses is stated? What changes are proposed to address this?</p> <p>6.12 Some difference in CIL/affordable rates paid across different value areas may be reasonable but the attempt to oversimplify the process resulting in some areas paying four times others and a flat rate regardless of house size is considered inequitable and damaging to other policy objectives. This clear discrepancy is considered to be inequitable and should be addressed in a refined payments based on floorspace and a refined postcode area.</p> <p>6.13 It is strongly recommended that a pro forma spreadsheet is adopted by the Council which will allow a transparent and agreed calculation of viability for most cases.</p>			
23	McCarthy and Stone Retirement Lifestyles Limited	The Planning Bureau	49	<p>This is a representation on behalf of McCarthy & Stone Retirement Lifestyles Ltd. It is considered that with its extensive experience in providing development of this nature the Company is well placed to provide informed comments on the emerging West Oxfordshire Council Community Infrastructure levy (CIL), insofar as it affects or relates to housing for the elderly.</p> <p>We previously provided pre-consultation commentary on the Preliminary Draft Charging Schedule In February 2014 in which we consider that the CIL rates as proposed will not unduly impact on the viability of specialist accommodation for the elderly in West Oxfordshire and subsequently supported the Preliminary Draft Charging Schedule.</p> <p>In response to our representation we note that the Council has revised its Charging Schedule and we commend the Council's continued considered response to the delivery of specialist accommodation for the elderly and its willingness to test and ensure that these forms of development remain deliverable under the proposed CIL regime.</p> <p>We note and support the revision of the rate for Sheltered Housing in the Higher Value areas from £200 per m2 to £100 per m2. There are a number of small and medium sized villages in the higher value areas that could accommodate sheltered housing developments and the proposed revision will ensure that these continue to</p>	<p>Note and support the reduced CIL rate for sheltered housing in the high value area.</p> <p>Overall support expressed for the draft charging schedule.</p>	<p>The support was noted. The second EVA update report (December 2016) suggests that supported living uses including extra-care and sheltered housing are able to sustain a CIL charge of £100 psm.</p>	<p>Draft charging schedule revised to include a proposed CIL charge of £100 psm for supported living uses including extra-care and sheltered housing.</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>be viable.</p> <p>We support the Draft Charging Schedule accordingly.</p>			
24	Pye Homes / Vanbrugh Unit Trust	West Waddy	50	<p><u>Residential rates</u></p> <p>The Aspinall Verdi local Plan and CIL Update Viability Study indicates in Appendix I that the Council has assessed the viability of residential schemes from 1 to 100 dwellings, but has not assessed larger schemes apart from the strategic sites. There has therefore been no assessment of the viability of medium sized schemes such as the Pye Homes Ltd scheme for up to 169 dwellings on land south of Witney Road, long Hanborough (application nos 14/1234/P/OP). This is an important omission, which needs to be addressed before the CIL rate for residential development is finalised.</p> <p>For the strategic sites the S106/S278 contribution is given as £10,000 per unit. This seems on the low side given that the Regulation 123 list indicates that 'S106 / alternative measures' will cover the following infrastructure where it is directly related to the development:</p> <p>Transport & highway improvements;</p> <p>Education facilities;</p> <p>Health care facilities;</p> <p>Social facilities;</p> <p>Sports and recreation;</p> <p>Green Infrastructure;</p> <p>Public service facilities;</p> <p>Flooding and drainage and environmental measures;</p> <p>It is also well under the estimated figures given in the Vale of White Horse District Council's Community Infrastructure Viability Study (October 2014), carried out by HDH Planning & Development Ltd, which calculated the infrastructure costs for strategic development sites as amounting to the following:</p> <p>Abingdon & Oxford Fringe</p> <p>North of Abingdon on Thames: £16,959;</p> <p>North-West of Abingdon on Thames: £16,956;</p> <p>Science Vale West Grove: £16,207;</p> <p>Wantage: £20,026 (p21)</p>	<p>The supporting viability study only tests schemes of up to 100 dwellings apart from the strategic site allocations and therefore there has been no assessment of medium-sized schemes.</p> <p>The modelled S106 infrastructure cost used in the assessment of strategic sites (£10,000 per unit) is low given the expectation that S106 will still be used to cater for a number of site-specific infrastructure requirements.</p> <p>The Vale of White Horse viability study assumes much higher S106 costs for strategic sites (£16,000+) and concludes that two of them cannot sustain a CIL contribution.</p> <p>Further assessment is therefore required to determine if the £10,000 per unit S106 assumption is realistic.</p>	<p>The second EVA update report (December 2016) tests a number of schemes above 100 dwellings including 200 and 300 unit schemes.</p> <p>The viability modelling assumption regarding continued S106 payments of £10,000 per unit is considered reasonable in light of the fact that once CIL is introduced, the use of planning obligations including S106 agreements will be scaled back to focus on affordable housing and site-specific infrastructure only.</p> <p>It is also relevant to note that the viability evidence suggests a significant viability surplus based on an assumed CIL payment of £100 per sq m and even up to £200 per sq m. As such, even if the S106 contribution were to exceed £10,000 per unit, there is a significant viability cushion to support the proposed CIL charges.</p>	No changes proposed.

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>As a result of this analysis HDH Planning & Development Ltd concluded that on the two strategic sites in the Science Vale West Area, at Monks Farm and Crab Hill, have no scope to support CIL. (para 3.13) Accordingly in the Vale of White Horse District Council's CIL Draft Charging Schedule the proposed CIL rate for these two sites is £0.</p> <p>My client, Pye Homes Ltd and the Vanbrugh Unit Trust have applied for a development at Woodstock comprising:</p> <p>Up to 1500 dwellings, including affordable housing and up to a 150 unit care vii/age (C2) with associated publicly accessible ancillary facilities, 'site for a new primary school; up to 930sqm of retail space; up to 7,500sqm locally led employment (81182188) including link end ride; site for a football association step 5 football facility with publicly accessible ancillary facilities; public open space, associated infrastructure, engineering and ancillary works, (all matters reserved except for means of access to the development); and Full Planning:- development of Phase I at the south western corner of the site for the erection of 29 residential dwellings (29 of the 1500 described above) with associated open space, parking and landscaping; with vehicular access provided from Upper Campsfield Road (A4095), Shipton Road and Oxford Road (A44)</p> <p>This scheme involves very extensive infrastructure provision including a new primary school; sports facilities consisting of a new pitch; stands; and changing facilities for Woodstock Town Football Club; an all-weather pitch; off-site highway works, including junction improvements and cycle and pedestrian improvements; extensive open space provision; and sustainable drainage and habitat creation, which could potentially become unviable if CIL is also applied at the rate proposed. Further assessment is therefore required of the costs of infrastructure provision on strategic sites to determine whether the figure of £10,000 per unit that has been used is realistic, and to determine whether the application of a realistic estimate of infrastructure costs plus the proposed residential CIL rate of £100 per square metre would make the development of strategic sites, and other large developments which are likely to come forward, unviable.</p>			
24	Pye Homes / Vanbrugh Unit Trust	West Waddy	51	<p><u>Retail Provision</u></p> <p>The proposed contribution from A1 - A5 uses on greenfield sites is £175 per sq m. By contrast the contribution for A1 - A5 uses on previously developed sites outside of designated Town Centres is only £50 per square metre.</p> <p>The Aspinall Verdi report refers to a mid-size store as having a floor space of 600 to 900 square metres. The proposed CIL rates would mean that if you had a typical mid-size retail store with a floorpsace of 900 sq metres built as part of a new residential extension to a settlement and therefore not as an out of town retail store, the CIL payment would be £157,500 on a greenfield site, but only £45,000 on a brownfield site.</p>	<p>There is a large difference between the A1 - A5 CIL rates for greenfield and previously developed sites, with a medium size retail store on a greenfield site paying significantly more.</p> <p>The proposed residential CIL rate does not differentiate between previously developed and greenfield sites and the distinction made for A1 - A5 uses is not justified.</p>	<p>The viability modelling considers a number of different retail typologies in order to provide a broad understanding of development viability within the District.</p> <p>A simpler approach is now proposed with an 'in-centre' rate for A1 – A5 uses and an 'out-of-centre' rate for A1 – A5 uses.</p>	No changes proposed.

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>It is noted that the residential rates do not distinguish between greenfield and previously developed sites, but this distinction applies exclusively to A1 - A5 uses. It is therefore considered that this disparity is without justification.</p> <p>It is also noted from the retail typologies in Appendix I of the Aspinall Verdi CIL Update Viability Study that the viability assessment only assesses the following categories of greenfield retail provision:</p> <p>Small Convenience Retail Parade (A1, A2, A3 and A5): 280 square metres; large Supermarket (A1 and ancillary): 2,800 square metres</p> <p>There has therefore been no appraisal of the viability of a medium sized retail store on a greenfield site forming part of a new residential development.</p> <p>It is therefore considered that the proposed rate does not meet the test in paragraph 019 of the Planning Practice Guidance that:</p> <p>'The authority will need to be able to show why they consider that the proposed levy rate or rates set an appropriate balance between the need to fund infrastructure and the potential implications for the economic viability of development across their area.'</p> <p>As the Council has no evidence to demonstrate that the proposed rate would be viable for a medium sized store on a greenfield site, serving a new extension to a settlement, rather than a large out of town supermarket.</p> <p>This omission therefore needs to be addressed before the CIL rate for A1 to A5 uses is finalised.</p>	<p>Concern also expressed that the viability modelling does not assess a medium size retail unit on a greenfield site forming part of a new residential development.</p> <p>The Council therefore has insufficient evidence upon which to base its proposed CIL rate.</p>		
24	Pye Homes / Vanbrugh Unit Trust	West Waddy	52	<p><u>Uncertainty about what is covered in the 123 List</u></p> <p>Paragraph 2.23 of your CIL Draft Charging Schedule states that:</p> <p>'Infrastructure to be funded by CIL must be clearly identified in a schedule known as the '123 list' (in reference to Regulation 123 of the CIL regulations). Importantly, if an item is identified on the 123 list, the charging authority cannot also seek contributions towards it through a Section 106 planning obligation as to do so would constitute 'double-dipping' with the developer paying twice for the same item of infrastructure.'</p> <p>The CIL Draft Charging Schedule, however, does not provide the necessary clarity to form a judgement in all circumstances as to whether provision would be required under a S106 Agreement or would be covered by CIL.</p> <p>For example, for each of the infrastructure types the S123 list states that it will be covered by CIL but then in the 'S106 or alternative measures' column it is stated, that where the infrastructure would directly relate to the development it would be provided by' S106 or alternative measures. 'This applies, for example, to:</p>	<p>The DCS does not provide the necessary clarity to determine in all circumstances whether provision would be required under a S106 Agreement or would be covered by CIL.</p> <p>In particular it does not address circumstances where there may be insufficient capacity locally to absorb an increase in population (e.g. school, health capacity) but where the scale of the proposed development is not of sufficient size to normally warrant on-site provision.</p> <p>The Council should therefore be prepared to accept the direct provision of new infrastructure in kind, in lieu of a CIL payment (e.g. provision of a new GP surgery as part of a residential development or provision of land for</p>	<p>The comments are noted and it is accepted that there may be some instances in which the 'in-kind' provision of infrastructure may be the most appropriate way of securing necessary improvements and that this possibility should be reflected in the draft charging schedule.</p>	<p>Draft charging schedule revised to include reference to the potential payment of CIL 'in-kind'.</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>Provision of education facilities which are directly related to a development;</p> <p>Provision of health care facilities which are directly related to a development</p> <p>This provides a certain amount of clarity, so that it is clear that where there is capacity for a school to expand the necessary extension to serve the development would be covered by a CIL payment, while on a large strategic site where a new school was required, this would be physically provided as part of the development.</p> <p>However, not all development proposals fall into these two categories, because in the case of some medium size developments there is insufficient capacity for local services to accommodate the increase in population arising from the development, but the proposed development is not of sufficient size where on-site infrastructure would normally be provided.</p> <p>This has happened recently in the case of a Pye Homes Ltd application for development of up to 169 dwellings on land south of Witney Road, long Hanborough (application ref nos: 14/1234/P/OP). In the case of this scheme there is insufficient capacity at the long Hanborough Primary School to accommodate the extension required without resulting in open space provision below Oxfordshire County Council's standards; and similarly space provision at the long Hanborough doctor's surgery is currently below the NHS guidelines and there is no capacity for expansion on the current site. Pye Homes Ltd were very willing to pay the necessary contributions to fund an extension of the primary school and doctors' surgery, but this was not considered sufficient by the local planning authority. Pye Homes Ltd accordingly proposed to build a new doctors' surgery as part of its new development and to provide additional playing fields on another site to enable the necessary open space standards to be met.</p> <p>However, because there were still outstanding issues to be addressed, including the signing of an agreement with the doctors' surgery and the submission of an application for the replacement school playing fields, the Council refused the application, partly on the grounds of 'the failure to address the education and healthcare implications for the village, by reason of the scale of development both in its own right and in combination with other planned and approved schemes.'</p> <p>Clearly the same situation would still apply under the CIL regime, but the option of addressing it through providing a doctors' surgery and off-site playing fields would no longer exist as if this was required plus a CIL payment it would make the scheme unviable.</p> <p>This is because the cost of providing a new doctors' surgery amounts to several million; there would be substantial costs in providing the replacement playing field including providing a surfaced and secure path to it; while the CIL proposed residential rate of £100 per square metre would result in a CIL payment of £860,000 (based on 86 market dwellings out of a total of 169 dwellings with an average floorspace of 100 sq metre each); plus there would be the need to provide affordable housing of 50% as specified in the Council's Proposed Submission local Plan policy H3. Requiring both infrastructure provision that serves the wider area and not just</p>	<p>playing fields). This should be reflected in the draft CIL charging schedule.</p>		

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>the development and also a CIL payment would also involve an element of 'double dipping,' as Pye Homes would be paying for a new doctor's surgery that would serve the whole of long Hanborough and surrounding villages, while also paying a CIL contribution which would be used in part towards improving health care facilities.</p> <p>However, if on the other hand the new doctors' surgery and school playing field are not provided and just a CIL payment is made, the necessary infrastructure to serve the development could not be provided due to the site constraint problems at the existing doctors' surgery and primary school. The application would therefore be in breach of the pre-submission draft local plan policy OS5, which states that 'development proposals that fail to make adequate or timely provision for necessary supporting infrastructure will be resisted.'</p> <p>Paragraphs 10.16 and 10.17 of the Aspinall Verdi local Plan & CIL Update Viability Study states that</p> <p>'The Community Infrastructure Levy Regulations 2010 enabled land to be transferred to the charging authority in satisfaction of a CIL liability. The 2014 amendments have introduced provisions, which also enable infrastructure to be provided in lieu of payment of the levy. However the application of these regulations is complex in relation to the S106 tests and also has implications for the Regulation 123 List.</p> <p>The circumstances in which an infrastructure payment is likely to be attractive to a developer are where they would otherwise be unable to carry out the development until the infrastructure has been provided and so they want to be able to control delivery and timescale.</p> <p>But whereas will more often than not be the case, the infrastructure is necessary to make a development acceptable in planning terms, the CIL regulations will not assist'.</p> <p>It is unclear from this as to whether the Council considers that these CIL Regulations could assist in the circumstances outlined at long Hanborough, with the applicant potentially providing the land for the doctor's surgery and school playing field, and potentially undertaking their construction in return for an exemption from CIL.</p> <p>However, the Planning Practice Guidance gives a much more positive overview of this matter stating in the section entitled 'Can the Levy be paid 'in kind' rather than in cash,' that: 'There may be circumstances where the charging authority and the person liable for the levy will wish land and/or infrastructure to be provided, instead of money, to satisfy a charge arising from the levy. For example, where an authority has already planned to invest levy receipts in a project there may be time, cost and efficiency benefits in accepting completed infrastructure from the party liable for payment of the levy. Payment in kind can also enable developers, users and authorities to have more certainty about the timescale over which certain infrastructure items will be delivered.'</p> <p>Subject to relevant conditions, and at its discretion, an authority may enter into an</p>			

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>agreement for a land payment to discharge part or all of a levy liability.</p> <p>Charging authorities may also enter into agreements to receive infrastructure as payment. (Para 061)</p> <p>However, the next paragraph entitled 'Under what conditions may a land or infrastructure agreement be entered into?' states that:</p> <p>'Where a charging authority chooses to adopt a policy of accepting infrastructure payments, they must publish a policy document which sets out conditions in detail. This document should confirm that the authority will accept infrastructure payments and set out the infrastructure projects, or types of infrastructure, they will consider accepting as payment (this list may be the same list provided for the purposes of Regulation 123).'</p> <p>It is essential therefore that this issue is addressed by the Council in its Regulation 123 list.</p> <p>Providing a new larger doctors' surgery that will both serve the proposed development; other new development in the village and the existing population, plus a new school playing field, would make the development very sustainable in terms of the presumption in favour of sustainable development in the NPPF, as it would mean that in terms of infrastructure provision the benefits would significantly outweigh the adverse effects. It would also mean that the development would comply with the Core Planning Principle of taking account of and supporting 'local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.'</p> <p>(NPPF para 17) WODC's CIL Draft Charging Schedule should therefore make provision for the CIL levy to be paid in kind and clarify that CIL exemption would be provided in such circumstances.</p>			
25	The Woodland Trust	The Woodland Trust	53	<p>Thank you for the opportunity to comment on this. Response from the Woodland Trust below. Please acknowledge receipt and do get in touch if you have any queries.</p> <p>We are pleased to see the section on Green Infrastructure. However we would like to see tree planting and woodland creation mentioned specifically.</p> <p>This is because of the unique ability of woodland to deliver across a wide range of benefits. 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).</p> <p>Easily accessible woods close to residential areas provide measurable benefits: they encourage people to exercise; help reduce the mental stresses of modern society; improve air quality and reduce respiratory diseases. At present 85% of the</p>	<p>Welcome the reference to Green Infrastructure but would like to see tree planting and woodland creation mentioned specifically due to the unique and significant benefits they offer for both landscape and biodiversity, for quality of life and climate change and for the local economy.</p>	<p>Comments noted.</p> <p>A number of green infrastructure projects are included within the Council's IDP and revised CIL regulation 123 list.</p>	<p>Minor change proposed to the draft Regulation 123 list to include reference to trees and woodland under the heading 'Green Infrastructure'.</p>

Respondent ID	Respondent Name	Organisation	Comment ID	Representation	Summary of representation	Council response (Updated December 2016)	Proposed Change (Updated December 2016)
				<p>population do not have a wood within easy walking distance.</p> <p>We need to remedy this and bring the quality of life benefits trees and woods can offer to our communities.</p> <p>Woods make particularly outstanding green spaces for public access because of the experience of nature they provide, their visual prominence alongside buildings which offers balance between the built and natural worlds, their low maintenance costs and their ability to accommodate large numbers of visitors.</p> <p>Woodland is also relatively inexpensive to manage when compared to other forms of urban greenspace, such as short mown grass. Woodland Trust has evidence for this in our report 'Trees or Turf', which is available on our website.</p> <p>Government response to Independent Panel on Forestry Report (January 2013): England's trees, woods and forests are a vital national asset providing multiple economic, social and environmental benefits. To achieve this, everything we do must be focused on achieving the following key objectives, in priority order: Protecting the nation's trees, woodlands and forests from increasing threats such as pests, diseases and climate change, Improving their resilience to these threats and their contribution to economic growth, people's lives and nature, Expanding them to increase further their economic, social and environmental value. Woodlands have value across many sectors of the economy and society.</p> <p>English woodlands already play an important part in the growth of the UK forest carbon market and in ground breaking projects that use land management to improve water quality, reduce flood risk, enhance biodiversity and adapt to impacts of climate change. Such markets help to demonstrate the fundamental role of natural capital in sustaining economic development and the need to protect and enhance this capital for future generations.</p>			

Appendix 5 – Schedule of Respondents and Responses to Proposed CIL Draft Charging Schedule Minor Modifications (September 2015)

Respondent	Organisation	Representation	Council Response	Proposed Change
Lois Partridge	Carter Jonas on behalf of the East Witney Land Consortium (EWLC)	<p><u>Modification M2</u></p> <p>EWLC welcomes the proposed Modification M2 to Paragraph 2.12 of the draft CIL Charging Schedule, which confirms that payments for CIL can be made by land and/or infrastructure (ie, 'in kind'), as well as by money.</p> <p>The modification notes that 'the Council will give further consideration to such provision on a case by case basis and taking account of experience arising as CIL is rolled out.'</p> <p>It is understood that the Council currently expects the development at East Witney to meet the full costs of the Shores Green Slip Roads scheme (SGSR) secured through an appropriate planning obligation, alongside 40% affordable housing provision and CIL payments in accordance with the draft Charging Schedule. The EWLC does not consider this approach reasonable or viable.</p> <p>Modification M2 would provide the Council with one means of improving the viability of the East Witney SDA, by accepting delivery of the SGSR as an in-kind payment, in lieu of CIL payment.</p> <p><u>Modification M4</u></p> <p>The EWLC welcomes the commitment by the Council to accept payment of CIL in instalments from 'larger schemes' to assist with cash flow. A review of other local authorities' CIL instalment policies shows that most authorities set a monetary threshold above which payments can be arranged to be made in instalments, rather than relating the instalments to the number of units on the site.</p> <p><u>Modification M11</u></p> <p>Wording has been added to Paragraph 4.2 of the draft CIL Charging Schedule which states that: 'Whilst the Government's policy has been successfully challenged, it remains the Council's intention at the present time to not seek affordable housing on small residential schemes of 1-5 units.' The Government has now been given leave to appeal the High Court decision and therefore the final outcome of the Government's policy on the threshold for affordable housing provision remains to be seen. In the meantime, given the significant need for affordable housing in West Oxfordshire District, we believe that WODC should take all reasonable opportunities to deliver more affordable housing – including, where viable, seeking financial contributions from sites of fewer than 5 units.</p>	<p>Support for payment of CIL in kind noted. This has been taken forward into the revised draft charging schedule (January 2017).</p> <p>In accordance with the CIL regulations the Council will prepare a separate policy document setting out the conditions of any such payment in kind in detail.</p> <p>Support for the proposed introduction of an instalments policy also noted.</p> <p>The Council will prepare a separate instalments policy in due course.</p> <p>The comments in relation to affordable housing are noted. The Council's proposed approach (i.e. to seek financial contributions from schemes of 6-10 units within the AONB) is consistent with the current NPPG.</p>	<p>Draft charging schedule revised to include reference to payment of CIL 'in-kind' and to clarify that a separate policy document will be prepared in due course.</p> <p>Draft charging schedule revised to include reference to payment of CIL by instalment and that the Council will prepare a separate policy in due course.</p> <p>No change in relation to affordable housing provision.</p>
Martin Small	Historic England	Historic England welcomes and supports Modification M3.	Support noted.	The wording of proposed modification M3 (which relates to the need for discretionary CIL relief being kept under review) has been taken forward into the revised draft charging schedule (January 2017).

Respondent	Organisation	Representation	Council Response	Proposed Change
Stephen Pickles	West Waddy on behalf of Pye Homes Ltd./Vanbrugh Unit Trust	<p><u>Proposed modification M2: Paragraph 2.12</u></p> <p>The principle of recognising that payment for CIL can be by the provision of infrastructure (i.e. in kind) is welcomed. Service infrastructure in West Oxfordshire, such as schools and health centres, are often already used at or above capacity, with little or no capacity for expansion on the current site. The result is that further development will often result in inadequate standards, even if contributions are paid for expansion, unless provision is made for replacement facilities as part of development proposals. An example is Pye Homes Ltd current application (15/02687 /OUT) for up to 169 dwellings on land south of Witney Road, at Long Hanborough, where the existing Long Hanborough doctors surgery has floorspace provision that is below NHS Guidelines for the number of patients served by the practice, but no capacity for expansion due to the constrained nature of the site; and expansion of the Hanborough Manor School to accommodate extra pupils would result in the school failing to meet Oxfordshire County Council's open space standards.</p> <p>To address these issues my client, Pye Homes Limited is proposing to provide a replacement doctors surgery as part of the proposed development and planning permission is also being sought for a replacement playing field off site close to the existing school to enable the Hanborough Manor Primary School to build new classrooms and also meet Oxfordshire County Council's open space standards. This infrastructure provision will serve not only the proposed development, but also ensure that there is adequate provision to serve future developments in this service centre.</p> <p>However, it is noted that the proposed modification states that 'the Council will give further consideration to such provision on a case by case basis and taking account of experience arising as GIL is rolled out.' However, paragraph 73 B of the Community Infrastructure (Amendment) Regulations 2014 states that:</p> <p>(1) A charging authority which wishes to allow infrastructure payments in its area must:</p> <p>(a) issue a document which -</p> <p>(i) gives notice that it is willing to accept infrastructure payments in its area,</p> <p>(ii) states the date on which the charging authority will begin accepting infrastructure payments, and</p> <p>(iii) includes a policy statement setting out the infrastructure projects, or types of infrastructure, which it will consider accepting the provision of as infrastructure payments (this may be done by reference to the charging authority's infrastructure list);</p> <p>(b) publish the document on its website;</p> <p>(c) make the document available for inspection-</p> <p>(i) at its principal office, and</p> <p>ii) at such other places within its area as it considers appropriate; and</p> <p>(d) send a copy of the document to the collecting authority (if it is not the charging authority).</p> <p>Regulation 73 (A) states that: 'An infrastructure payment is the provision of one</p>	<p>Support for the payment of CIL 'in-kind' noted.</p> <p>In accordance with the CIL regulations the Council will prepare a separate policy document setting out the conditions of any such payment in kind in detail.</p> <p>The comments made in relation to discretionary relief from CIL are noted. The Council acknowledges that greater clarity is needed about the timing of any future consideration of this matter.</p> <p>The support expressed for the payment of CIL by instalment is noted.</p> <p>The comments made in relation to affordable housing are noted. The Council's proposed approach is consistent with the NPPG as currently published.</p> <p>Given this consistency with national policy it is not considered that any further clarity is required in relation to schemes of 6 – 10 units outside the AONB.</p> <p>The comments in relation to the defined value zones are duly noted however it is relevant to note in response that the value zones were accepted by the CIL examiner following examination in November 2015.</p>	<p>Draft charging schedule revised to include reference to payment of CIL 'in-kind' and to clarify that a separate policy document will be prepared in due course.</p> <p>Draft charging schedule revised to include reference to payment of CIL by instalment and that the Council will prepare a separate policy in due course.</p> <p>Draft charging schedule revised to include more specific detail about the timing of any future consideration of the need to grant exceptional circumstances relief from CIL.</p>

Respondent	Organisation	Representation	Council Response	Proposed Change
		<p>or more items of infrastructure by a person (P) who would be liable to pay GIL in respect of a chargeable development on commencement of that development.'</p> <p>It is not therefore sufficient for the Council to address this issue on a case by case basis as it states that it intends to do, but it must issue a document addressing the issues outlined in paragraph 73 B.</p> <p>In this respect further guidance is provided by paragraph 062 of the Planning Practice Guidance (Ref ID: 25-062-20140612) which states that:</p> <p>'Where a charging authority chooses to adopt a policy of accepting infrastructure payments, they must publish a policy document which sets out conditions in detail. This document should confirm that the authority will accept infrastructure payments and set out the infrastructure projects, or types of infrastructure, they will consider accepting as payment (this list may be the same list provided for the purposes of Regulation 123).'</p> <p>However, the Regulation 123 list that the Council has published does not provide any indication as to what types of infrastructure provision the Council will accept as payments in kind. It is important that guidance is provided on this point as otherwise the Council will not be able to accept the provision of infrastructure 'in kind' despite its declared intention to do so in proposed modification M2.</p> <p><u>Proposed modification M3: Paragraph 2.16</u></p> <p>We note that Historic England made representations on the draft CIL Charging Schedule to the effect that the conservation of heritage assets should be taken into account when considering the level of the CIL to be imposed so as to safeguard and encourage appropriate and viable uses for the historic environment.</p> <p>Historic England therefore said that it is essential that the rates proposed in areas where there are groups of heritage assets at risk are not such as would be likely to discourage schemes being put forward for their re-use, or associated heritage-led regeneration. In such areas, Historic England suggested that there may be a case for lowering the rates charged.</p> <p>In addition, Historic England encouraged the District Council to assert in their CIL Charging Schedule its right to offer CIL relief in exceptional circumstances where development which affects heritage assets and their settings may become unviable if it was subject to CIL.</p> <p>In response to these representations, proposed modification M3 states that the Council 'at the present time does not intend to offer any form of discretionary relief from GIL. This position will however be kept under review and the Council will give consideration to the need for discretionary GIL relief as part of the ongoing monitoring and review of CIL.'</p> <p>As no timetable is given for this review, the Council has therefore effectively postponed consideration of this issue indefinitely. There are often significant costs involved in planning proposals that relate to historic buildings including their re-use or associated heritage-led regeneration and in order to ensure that CIL takes account of these costs we consider that now is the time to consider the issues raised by Historic England including providing discretionary relief where this can be justified.</p>		

Respondent	Organisation	Representation	Council Response	Proposed Change
		<p><u>Proposed Modification M4: Paragraphs 2.17 & 2.18:</u></p> <p>This change which makes provision for CIL payments on larger schemes to be paid by instalments is welcomed, as it will assist with cash flow. This is subject to the Council's proposals being reasonable and in this respect it is noted that 'the Council will prepare a separate policy on the payment of CIL by instalments and this will be made available on the Council's website in due course.'</p> <p><u>Proposed Modifications 11; 12; & 13:</u></p> <p>The Council are proposing a CIL contribution of £200 per m² for residential schemes of 1 - 10 units outside of the Cotswolds AONB. When originally proposed this was on the grounds that no affordable housing provision / contribution would be required on these small schemes, in accordance with Government advice, which has now been withdrawn following the successful legal challenge by Reading and West Berkshire Councils.</p> <p>However, it would seem that the Council's policy on affordable housing from smaller schemes remains unchanged as Proposed change M11 includes the statement that: 'Whilst the Government's policy has been successfully challenged, it remains the Council's intention at the present time to not seek affordable housing on small residential schemes of 1-5 units.'</p> <p>Proposed modification M12 relates to contributions towards affordable housing from schemes of 6 – 10 units within the Cotswolds AONB and then goes on to state: 'Whilst the national threshold has been successfully challenged, at the present time the Council intends to maintain its proposed approach as the Government's response to the legal challenge is not yet known.'</p> <p>Proposed modification M13 states that: 'For schemes of 6 - 10 units outside of the Cotswolds AONB, a CIL rate of £200 per m² will apply on a District-wide basis.'</p> <p>These proposed modifications make it clear that affordable housing will not be sought on small residential schemes of 1 - 5 units but also need to make it clear that affordable housing provision or contributions will not be sought on schemes of 6 -10 dwellings outside of the Cotswolds AONB, as while this is implied it is not explicitly stated in these proposed modifications.</p> <p><u>Value Zones:</u></p> <p>One of the comments made on the draft CIL Charging schedule was that 'The delineation of the three different 'value' zones is too arbitrary and lacks justification,' which we consider to be true. We are surprised therefore that the Council are not proposing any changes in response to this comment.</p>		

Appendix 6 – Schedule of Respondents and Responses to CIL Settlement Boundary Consultation (November 2015)

Respondent	Organisation	Representation	Council Response	Proposed Change
Martin Down		<p>Developers are not charged anything like enough under CIL for improvements to the road networks. The road network in West Oxfordshire is saturated and only major expenditure on the A40 and other main roads can solve the problems. Every new development, whether of housing or industrial or commercial property can only increase the number of journeys and the congestion they cause.</p> <p>Also, parking in Witney town centre is now at saturation point. Any new housing in or around Witney must be accompanied by a major new multi-story car park, presumably on one of the existing ground-level parks on Witan Way or Station Lane. This should be paid for out of CIL funding.</p>	<p>The concern is noted although is not of direct relevance to the consultation which sought views on the application of settlement boundaries to inform the application of CIL charges on commercial A1 – A5 uses.</p> <p>In any event CIL rates must not be set at the margins of viability and must include an appropriate viability ‘cushion’.</p>	No change proposed.
Rebekah Knight	Oxford City Council	<p>Thank you for inviting Oxford City Council to comment on the proposed settlement boundaries for applying differential CIL rates for Class A development in West Oxfordshire. We offer these comments as a neighbouring local authority with an adopted CIL regime and hope they are helpful to West Oxfordshire and the Inspector.</p> <p>Whilst the City Council has no specific comments on the proposed settlement boundaries, there is likely to be merit in refining the approach to CIL in West Oxfordshire from a cross-border consistency perspective.</p> <p>Oxford's CIL Charging Schedule was adopted on 30 September 2013 following two rounds of consultation and an examination in public. The City Council has been successfully applying the CIL Charging Schedule since 21 October 2013.</p> <p>Viability studies undertaken to inform Oxford's CIL charging rates found that there were no land uses that were unable to provide a CIL contribution in Oxford and therefore there are no nil rates on our adopted Charging Schedule.</p> <p>The City Council notes that nil rates are proposed for the majority of non-residential land uses in West Oxfordshire (with the exception of Class A development). Given Oxford's tight administrative boundary, it is likely that some non-residential development associated with Oxford's economic growth may be provided outside of the city boundary in adjoining authority areas, including West Oxfordshire.</p> <p>As viability studies undertaken to support Oxford's CIL Charging Schedule determined that these uses were capable of making CIL contributions, the Inspector will need to be assured that the proposed nil rates would not trigger any implications in terms of state aid.</p>	<p>The Council acknowledges the need to carefully consider state aid issues. However, it is the case that the viability evidence prepared in support of the Council's CIL charging schedule including the most recent second update EVA report (December 2016) concludes that a zero CIL charge should be applied to most non-residential development (other than A1 – A5 uses) on the grounds of viability.</p>	No change proposed.
John Garside		<p>I was pleased to receive a consultation e-mail regarding the proposed settlement boundaries for use in charging schedules for new developments. I reviewed the Witney proposal and have two main comments to put to the consultation:</p> <p>1) Whilst it is noted that the settlement boundaries will only be used for the charging schedule, these things have a habit of becoming established and creeping in to other aspects of planning. I am therefore concerned that the Cogges nature area along the Windrush to the south east of the settlement area, the flood plain along the Windrush to the North of the settlement area and a small protrusion to the south west of the settlement area have been included within the boundaries of the settlement area.</p>	<p>The comment and concerns expressed in relation to the proposed settlement boundaries are noted and it is acknowledged that there is a risk of such defined boundaries being used for wider planning purposes other than just CIL.</p> <p>The Council is therefore no longer proposing to take forward this approach and is instead proposing a simpler approach to commercial A1 – A5 uses with an ‘in-</p>	<p>The proposed approach towards the delineation of settlement boundaries will no longer be taken forward and will instead be replaced by a simpler approach with an ‘in-centre’ rate and an ‘out-of-centre’ rate.</p> <p>This is reflected in the revised draft charging schedule (January 2017).</p>

Respondent	Organisation	Representation	Council Response	Proposed Change
		<p>1.1) The small protrusion to the south west appears to be a deliberate extension of the settlement area - does this have existing planning permission for development? If not, then for consistency it should not be included.</p> <p>1.2) The region of flood plain to the North along the Windrush is currently not part of the settlement and therefore for consistency, should not be included - the settlement boundary should protrude in to this area to mark the actual area of settlement.</p> <p>1.3) The nature area around the Windrush to the south east area (Cogges) has been the subject of significant public protest and a Public Enquiry which has confirmed it is not to be build on. It is therefore farmland and very clearly outside of the settlement area and should be shown as such, the settlement boundary should protrude in to this area to mark the actual edge of the settlement.</p> <p>2) Where planning applications if successful will effectively extend the settlement area, is the mechanism of charging clear? For example, if a new housing development effectively extends the settlement area and that area incorporates separate planning applications for commercial properties?</p> <p>Finally I would like to make a general comment that the level of development that has been approved to date and that is proposed for the near future around Witney, Long Hanborough and Carterton, among others has clearly over stretched the existing infrastructure.</p> <p>The roads in this region are among the worst in the country both in terms of maintenance and in terms of congestion. I fully support the maximum possible charges being levied for major new residential and industrial developments that extend the town's boundaries - such developments are currently unsustainable without a massive investment in infrastructure far beyond the proposed charging schedule.</p> <p>I also urge caution with charges being levied for developments which benefit the local community, such as health, fitness, education, social care, provision of in town centre shopping, provision of in town centre leisure (pubs, restaurants etc).</p>	<p>centre' rate (to be applied in designated town centres) and an 'out-of-centre' rate (to be applied elsewhere in the District).</p> <p>The general comments made in relation to the infrastructure pressures caused by new development are noted. Through the Local Plan and supporting Infrastructure Delivery Plan (IDP) the Council is seeking to ensure that new development is supported by appropriate investment in new and improved infrastructure.</p> <p>No CIL charges are proposed on 'community uses' such as education and social care but it is considered reasonable (and justified on the grounds of viability) to levy CIL on commercial A1 – A5 uses.</p>	
Oliver Chapple		<p>I concur with the principles proposed, because they will neutralise the current potential bias towards larger developments where only these provide contributions towards infrastructure support.</p> <p>However I do not agree that the proposed rate for AONB areas should be any lower than elsewhere. Development sites in the AONB should according to the NPPF be restricted and a lower CIL will provide an incentive rather than a deterrent! Furthermore the scarcity of suitable AONB sites makes them more valuable and therefore more capable of paying a higher CIL. Therefore I propose that the CIL be at least equal to the District wide rate or, better still, 50% higher.</p>	<p>The comments are noted. In relation to development within the AONB, the Council's draft charging schedule proposes a lower CIL charge of £100 per m² for medium-scale schemes of 6 – 10 units. Outside the AONB, the charge for schemes of 6 – 10 units is £200 per m².</p> <p>The rationale for this approach is that schemes of 6 – 10 units within the AONB will also attract an affordable housing commuted sum of £100 per m² whereas a scheme of 6 – 10 units outside the AONB will not.</p> <p>In effect all schemes of 6-10 units pay £200 per m² however within the AONB this is split into £100 per m² for CIL and £100 per m² for affordable housing.</p>	No change proposed.

Respondent	Organisation	Representation	Council Response	Proposed Change
			This approach is considered entirely reasonable having regard to the national policy position on the provision of affordable housing as well as the Council's viability evidence.	
Maxine Crossland		<p>Thank you for the information. I am delighted to see that common sense has finally triumphed and Carterton's eastern boundary has been moved to incorporate the Sports Pavilion and Memorial garden into Carterton parish.</p> <p>However, the placement of Ventura park is inaccurate - the name is on the wrong side of the road.</p> <p>More significantly, I do not understand why the boundary now appears to wiggle from one side of the road to the other along parts of Carterton Road and Monahan Way. Surely the obvious place to draw the boundary is down the middle of the roads?</p>	The comments are noted however having regard to other consultation responses received, the Council's updated viability evidence and in the interest of simplicity, the Council is no longer proposing to take forward this approach and is instead proposing a simpler approach to commercial A1 – A5 uses with an 'in-centre' rate (to be applied in designated town centres) and an 'out-of-centre' rate (to be applied elsewhere in the District).	<p>The proposed approach towards the delineation of settlement boundaries will no longer be taken forward and will instead be replaced by a simpler approach with an 'in-centre' rate and an 'out-of-centre' rate.</p> <p>This is reflected in the revised draft charging schedule (January 2017).</p>
Henry Howard		<p>I have studied this quite carefully and wish to bring an issue to your attention.</p> <p>Unless I have mis-read the documents, you do not seem to have a suggested boundary change to the North of Carterton at the northern end of Swinbrook Road. At this moment, David Wilson homes are building a total of 316 homes in this area which were designed to be the fourth phase of the Shilton Park Estate, the estate being wholly within Carterton.</p> <p>Also on the cards, is a possible development to the south of Linden House, for 10 x 5 bedroomed homes which Carterton is very short of. It was my understanding that all the homes would become part of the built up area of Carterton. My ward as a district councillor is Carterton North East, and the built out portion of Shilton Park Estate lies completely within my ward.</p> <p>I would be grateful if you could put my mind at rest by assuring me that this new development will indeed be included within the parish boundary of Carterton. You are I hope aware that there are infrastructure deficits within Carterton and CIL monies would do much to overcome these shortfalls.</p>	The comments are noted however having regard to other consultation responses received, the Council's updated viability evidence and in the interest of simplicity, the Council is no longer proposing to take forward this approach and is instead proposing a simpler approach to commercial A1 – A5 uses with an 'in-centre' rate (to be applied in designated town centres) and an 'out-of-centre' rate (to be applied elsewhere in the District).	<p>The proposed approach towards the delineation of settlement boundaries will no longer be taken forward and will instead be replaced by a simpler approach with an 'in-centre' rate and an 'out-of-centre' rate.</p> <p>This is reflected in the revised draft charging schedule (January 2017).</p>
Nigel McGurk	Blenheim Estates	<p>The proposal conflicts with the national planning policy requirement for sustainable growth and will serve to discourage sustainable development from coming forward.</p> <p>Forward planning has a role to play in planning for sustainable growth. Much new housing development over the plan period in West Oxfordshire will comprise expanded settlements, including new development some distance from existing town centres, largely on land not included in any of the settlement boundaries as drawn. This will increasingly be the case due to demographic, economic and geographical factors.</p> <p>The provision of A1-A5 uses within urban extensions is often an essential element of sustainable development, providing jobs, services and facilities; and adding activity and vitality. Planning positively for the provision of community facilities and services is a national planning policy requirement, as set out in Paragraph 70 of the Framework.</p> <p>Drawing tight boundaries around existing settlements fails to reflect any of the above.</p>	The comments and concerns are noted. Having regard to this and other consultation responses received, the Council's updated viability evidence and in the interest of simplicity, the Council is no longer proposing to take forward this approach and is instead proposing a simpler approach to commercial A1 – A5 uses with an 'in-centre' rate (to be applied in designated town centres) and an 'out-of-centre' rate (to be applied elsewhere in the District).	<p>The proposed approach towards the delineation of settlement boundaries will no longer be taken forward and will instead be replaced by a simpler approach with an 'in-centre' rate and an 'out-of-centre' rate.</p> <p>This is reflected in the revised draft charging schedule (January 2017).</p>

Respondent	Organisation	Representation	Council Response	Proposed Change
		<p>Whilst there may be some value in distinguishing between defined town centres and elsewhere, there is no justified need for a distinction between settlements and countryside. The approach appears to be confusing CIL with some other undefined area of planning policy. As such, it reflects an awkward attempt at social engineering, rather than a means to fund necessary infrastructure.</p> <p>Further to the above, national planning policy and advice is explicit in its encouragement of the re-use of buildings. The approach set out conflicts with national policy, including Paragraph 28 of the Framework, which seeks to boost the rural economy.</p> <p>Commonly, the provision of non-residential elements, especially A1-A5 uses, as part of new housing developments is a cost on the scheme, rather than a profitable element. Consequently, the approach set out will simply further discourage such provision in favour of the provision of housing estates on the edge of settlements devoid of facilities, services and activities. The houses will be built come what may, so, in line with the national planning policy requirement, the approach should be changed to encourage and not prevent sustainable development.</p> <p>The charge proposed will make potentially viable proposals to provide A1-A5 uses uneconomic to the point of being unviable. The approach set out affords insufficient regard to viability and is in direct conflict with Paragraph 173 of the Framework.</p> <p>Taking the above into account, the proposal discourages sustainable development and should be re-thought in the light of national planning policy and advice.</p> <p>Also, no clear reasoning is provided to demonstrate why a highly profitable office or industrial scheme anywhere in the District would not attract CIL, whilst a marginal, or subsidised A1-A5 development as part of a sustainable urban extension would attract a rate of £175 per m².</p> <p>The blanket approach proposed in this regard makes no sense. Furthermore, there appears to be a lack of understanding with regards the basic relationship between rent/yield and distance from town centres, to the extent that the approach appears directly inverse to the ability of developments to fund CIL.</p> <p>An exceptionally profitable new discount supermarket on the edge of a town centre would pay £30 per square metre; or on a site at the edge of a settlement, would pay £50 per square metre; whilst a marginal or unprofitable local convenience store in a new development, immediately adjacent to, but outside, a settlement boundary, would pay £175 per square metre.</p> <p>In summary, the proposed approach prevents sustainable development, conflicts with national policy and appears to reflect a lack of understanding of basic development finance. The settlement boundaries should simply be removed. Better still, the approach to CIL should be re-thought in the light of national policy and advice, and land use/development economics.</p>		

Respondent	Organisation	Representation	Council Response	Proposed Change
Dennis Stukenbroeker	Eynsham Parish Council	<p>Question: Do you think it is appropriate to include settlement boundaries for this purpose?</p> <p>Reply: Subject to compliance with CIL regulations, no. The settlement boundaries are an attempt to justify A1-A5 Use Classes for the purpose of tax gathering, and by implication for the exemption of C1, D1 and D2 Use Classes as set out in the previous WODC CIL proposals. They are by their nature arbitrary snapshots of the existing settlements and, with the rates proposed, do not adequately consider either future development under the draft Local Plan or the infrastructure impact on the settlements which CIL is intended to pay for.</p> <p>Question: Are boundaries drawn around the correct settlements? If not, should other settlements be included or should some of those selected be discounted?</p> <p>Reply: The selection of nine settlements is arbitrary and inequitable, considering the disparity between the proposed 'in and out' rates. The selection of Woodstock, Long Hanborough and Eynsham in particular highlights the inequity of the rates in the Eynsham-Woodstock Sub-Area where, to comply with the development proposals in the draft Local Plan, the CIL would differ by 2½ times, depending on which side of the street development takes place.</p> <p>Question: Is the extent of the boundaries correct? If not, how should they be revised? Are there areas within or adjoining settlements that should be discounted or included?</p> <p>Reply: The boundaries are an arbitrary snapshot of the settlements at the time the lines were drawn and take no consideration of planning applications granted or pending appeals which could have a significant impact on the actual boundaries of the settlements. They also do not take into consideration emerging neighbourhood plans to redefine the settlements. Because of the adverse impact of the difference between the 'in and out' rates, the proposed boundaries are contrary to both the draft WODC local plan and national policy (NPPF).</p>	<p>The comments and concerns are noted. Having regard to this and other consultation responses received, the Council's updated viability evidence and in the interest of simplicity, the Council is no longer proposing to take forward this approach and is instead proposing a simpler approach to commercial A1 – A5 uses with an 'in-centre' rate (to be applied in designated town centres) and an 'out-of-centre' rate (to be applied elsewhere in the District).</p>	<p>The proposed approach towards the delineation of settlement boundaries will no longer be taken forward and will instead be replaced by a simpler approach with an 'in-centre' rate and an 'out-of-centre' rate.</p> <p>This is reflected in the revised draft charging schedule (January 2017).</p>