

*CIL*  
ID NO: 1172  
REP NO: 22  
ACK: ✓ 5.12.11  
SUMMARISED:

**Sandra Hutchings**

---

**From:** Gallacher, Gaynor |  
**Sent:** 05 December 2011 10:51  
**To:** DPD  
**Cc:** 'Harding, Chris'  
**Subject:** Mid Devon CIL - PDCS - Highways Agency comments  
**Attachments:** SKMBT\_42311120510460.pdf

Peter

Please find attached the Agency's response to your recent consultation exercise.

Kind regards

Gaynor

**Gaynor Gallacher, Business Support**

Highways Agency | Ash House | Falcon Road, Sowton Ind. Estate | Exeter | EX2 7LB

**Tel:** +44 (0) 1392 312540

**Web:** <http://www.highways.gov.uk>

**GTN:** 1365 2540

Safe roads, reliable journeys, informed travellers

Highways Agency, an executive agency of the Department for Transport.

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) On leaving the GSi this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Our ref: Mid Devon LDF  
Your ref: PRW/CILCon

Peter Williams  
Forward Planning  
Mid Devon District Council  
Phoenix House  
Phoenix Lane  
Tiverton  
Devon  
EX16 6PP

Ian Parsons  
Asset Manager  
Level 1  
Ash House  
Falcon Road  
Sowton Industrial Estate  
Exeter EX2 7LB

Direct Line: 01392 312555

5 December 2011

Dear Mr Williams

### **Community Infrastructure Levy – Preliminary Draft Charging Schedule (PDCS)**

Thank you for inviting the Highways Agency to comment on the above document. Our comments are set out below, and we have identified which part of the document our representations relate to.

#### Introduction

The Agency welcomes the introduction of the CIL to replace developer contributions through Section 106 agreements. We are however keen to ensure that the levels of contributions are sufficient to enable adequate infrastructure to be delivered which satisfies the requirements of the Secretary of State in respect of the strategic road network (SRN).

While we acknowledge that transport and accessibility are key to the viability and profitability of development, the Agency is concerned that detrimental traffic impacts arising from development can cause disbenefit to existing users of the SRN. Traffic impacts must be adequately addressed and we would resist situations where developments are granted consent with no delivery mechanism for the delivery of relevant and necessary transport infrastructure. The Agency would however support an evidence based approach in situations where developments are proposed which are not required to make a CIL.

The Agency agrees that the PDCS must be evidence based and agrees that identification of supporting infrastructure and an accurate cost for it must form the basis of the document. The Agency has the following comments to make regarding the evidence base which supports the PDCS:

#### Mid Devon Local Development Framework

The Agency acknowledges the use of the LDF as part of the PDCS evidence base. We view the Allocations and Infrastructure Development Plan Document (AIDPD) as being of particular relevance. This document acknowledges the importance of improvements to the M5 Junctions 27 and 28.

Policy AL/CU/16 of the AIDPD states that *“Development will be required to make a financial contribution towards the cost of carrying out improvements to increase the capacity of M5 Junction 28. The application of this policy will be reviewed upon implementation of the CIL”*

The Agency interprets this to mean that up until implementation of the CIL financial contributions will be required for improvements at Junction 28. Once implemented the CIL is intended to contribute towards these improvements alongside the funding already secured, but if there is a shortfall there maybe scope to ask for contributions over and above the CIL which may be dependent on things like the scale of development and its potential impact on flows at the junction. If this is the case then the Agency welcomes this.

#### Mid Devon Infrastructure Plan

The Agency views the inclusion of the Mid Devon Infrastructure Plan (IP) as part of the CIL evidence base as essential. The IP identifies two necessary pieces of infrastructure which are of interest to the Agency; these are the improvements on the M5 at Junctions 27 and 28. As these are included in the IP and that's used as part of the evidence base for the CIL the Agency assume that these will be paid for by CIL contributions.

#### Proposed CIL Rate

While the Agency does not wish to contest the CIL level calculations proposing £250 per sq m for large scale retail development and £113 per sq m for dwelling houses, the infrastructure delivery body will need to satisfy itself that these contribution levels are adequate to ensure sufficient funding for the essential infrastructure, including the improvements to M5 Junctions 27 and 28 as identified in the IP. The Agency can assist with identifying relevant costs.

We note that the figures in the table are however only a percentage of the CIL levels that could be collected as set out in the Council's housing Needs Assessment 2011. We acknowledge however that this is a reflection on the current market and welcome the annual review of these figures as the market changes to ensure that there is always the optimum balance between viability and ensuring that the Local Authority has enough funding to ensure the necessary infrastructure is in place.

As already stated, whilst development needs to be financially viable, the Local Authority has a duty to ensure that development is not taking place without the necessary infrastructure to support it and without development causing detriment. It is noted that the CIL will not apply to smaller scale retail development (or for example business/employment development). This will place an increased burden on those developments which satisfy the defined criteria. It may be preferable to consider a CIL which also applied to smaller developments subject to viability assessment.

It is the policy of the Secretary of State to direct planning conditions in respect of planning permissions, the effect of which will, most commonly, be to require the developer to deliver the mitigation measures on the SRN necessary to cater safely and efficiently for anticipated traffic levels and/or to phase the delivery of the development. This is commonly achieved through the use of negative or Grampian style planning conditions. This approach is entirely compatible with the proposed CIL. As the Local Authority is aware these type of conditions must have a reasonable chance of being met within the timescale of the planning consent

and this places further emphasis on the need for the Local Planning Authority to ensure sufficiency of CIL contribution.

Next Steps

The PDCS explains that a further four week formal consultation will follow in due course before the Charging Schedule is subject to examination by the Inspector. We would appreciate it if you would keep the Agency informed of this further consultation period and inform us when it is due to take place.

The Agency has no comment to make on the proportion of the CIL that will be transferred to communities via the Localism Bill apart from to say that all necessary strategic infrastructure should have funding in place first including schemes relating to the SRN before the proportions are calculated.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely



Ian Parsons  
Asset Manager  
NDD South West – Asset Development  
Email: [ian.parsons@highways.gsl.gov.uk](mailto:ian.parsons@highways.gsl.gov.uk)

cc: Chris Harding, Halcrow

