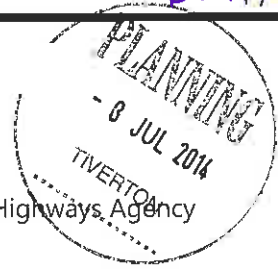


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**Dean Titchener**

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**From:** Gallacher, Gaynor  
**Sent:** 08 July 2014 14:56  
**To:** DPD  
**Cc:**  
**Subject:** CIL Preliminary draft charging schedule consultation - Highways Agency representation  
**Attachments:** SKMBT\_42314070813470.pdf



Dear Forward Planning team

Please find attached the Agency's representations on the current draft CIL consultation document.

Kind regards

Gaynor

**Gaynor Gallacher, Business Support**

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

Safe roads, reliable journeys, informed travellers

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

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Our ref: Mid Devon LDF  
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8 July 2014

Dear Mr Williams

**Community Infrastructure Levy: Preliminary draft charging schedule consultation – June 2014**

Thank you for your letter of 13 June inviting the Agency's comments on Mid Devon's preliminary draft charging schedule for CIL. Our representations are set out below, where we have identified which part of the document our representations relate to.

Background

The Agency previously provided comments on the Draft Charging Schedule in November 2011. We encouraged the introduction of the CIL but stated that it was important to ensure that the levels of contributions were sufficient to enable adequate infrastructure to be delivered which satisfied the requirements of the Secretary of State in respect of the strategic road network (SRN).

The aim of CIL is to provide funding for infrastructure by placing a charge on new development. A charge can only be made where the development will remain viable. It is understood that since approving the CIL, a Viability Study conducted in 2014 has concluded that should the CIL be implemented, large developments would not be viable and should therefore avoid the charge. In addition, the current structuring of the Regulation 123 list does not allow for large sites, such as the Tiverton Eastern Urban Extension (EUE), to be brought under the previous S106 contribution approach after CIL has started to be charged.

The proposed CIL implementation date of 4th June 2014 has now been cancelled, with the decision being made to prepare a new CIL Charging Schedule alongside the new Local Plan.

Preliminary Draft Charging Schedule

The decision to prepare a new Charging Schedule is supported by the Agency. A significant amount of development is planned off the M5 Junctions 27 and 28. The Agency is concerned that should the approved CIL be implemented then where there are significant infrastructure costs, such as on strategic sites, the amount raised through CIL would not fund the infrastructure requirements of such sites. The Agency therefore welcomes the decision to continue to negotiate infrastructure requirements through Section 106 Agreements.

#### Proposed CIL Rate

Whilst the Agency does not wish to contest the CIL level calculations for retail development and dwelling houses, the infrastructure delivery body will need to satisfy itself that these contribution levels are adequate to ensure sufficient funding for essential infrastructure, including the improvements to M5 Junctions 27 and 28 as identified in the Infrastructure Plan. The Agency can assist with identifying relevant costs.

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 some smaller scale use types. This will place an increased burden on those developments which satisfy the defined criteria. It may be preferable to consider a CIL which also applies to smaller developments subject to viability assessment.

Whilst 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 pay a CIL.

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 types 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.

The SRN, by virtue of its strategic nature, can be affected by sites in a variety of locations either individually or cumulatively. It is often the cumulative impact rather than individual impacts of development that have a material effect upon the highway network, and especially the SRN. Consequently the pooling of contributions to help enable the funding of future infrastructure improvements, such as junction improvements, and obtaining contributions towards improvement measures to mitigate the impact of development upon the SRN, is supported by the Agency and it is therefore advised that this is recognised in the CIL Charging Schedule.

#### Mid Devon District Council CIL Instalments Policy

The Agency supports the inclusion of an instalments approach for phasing payments to pay for infrastructure improvements, to allow for contributions to be made at certain triggers points or when certain development thresholds are reached.

#### Mid Devon Draft Infrastructure Plan and Regulations 123 List

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 to the M5 at Junctions 27 and 28. As these are included in the IP which is used as part of the evidence base for the CIL the Agency assume that these will be paid for by CIL contributions. Whilst funding for improvements to M5

J27 has been secured through the Pinch Point programme, the Agency would request that in addition developer contributions are also sought. The Agency would therefore request that in the row "Strategic Provision – Improvements to M5 J27 to support development in existing plans" it is amended to read that funding is to also be secured by developer contributions.

#### Next Steps

The PDCS explains that a further consultation on CIL is to take place later in the year, at the same time as the submission version of the Local Plan is published for public comment. The charging schedule and Local Plan will then be jointly subject to Examination in Public prior to adoption. 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.

I trust this response will be helpful, however should you require any further information or wish to discuss, please do not hesitate to contact me. I look forward to receiving confirmation that our comments have been received.

Sally Parish  
NDD South West - Growth & Improvement

cc: Joanne Mole, CH2M Hill  
Deborah Earle, CH2M Hill

