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Dean Titchener

From: Emma Hubery
Sent: 10 July 2014 16:10
To: Peter Williams
Cc: Liz Pickering; DPD;
David Seaton; Alex Graves
Subject: CIL Representations
Attachments: 07-10 CIL Representations.pdf
Importance: High



Dear Sir/Madam,

Please find attached representations made on behalf of our client in respect of the Mid Devon District Council Community Infrastructure Levy. A hard copy will also follow in the post.

I would be grateful if you could confirm receipt and we would like to be informed of any further consultation/examination dates in due course. At this stage our intention would be to attend an examination.

If you require any further information please do not hesitate to contact us.

Kind Regards

Emma Hubery
Office Manager

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Our Ref AG/PCL/9473
Date 10th July 2014



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



Dear Mr Williams,

CONSULTATION ON REVISED COMMUNITY INFRASTRUCTURE LEVY (CIL) CHARGING SCHEDULE

We write on behalf of our client, Waddeton Park Ltd, who have interests in Mid Devon District. We enclose representations on our client's behalf in relation to Mid Devon's *Revised Community Infrastructure Levy (CIL)* consultation.

We welcome the Council's decision to re-start the process.

There is logic and good practice to be had in advancing a CIL policy in tandem with a Local Plan Review (LPR); so, we consider the publication of the draft CIL schedule etc to be premature, it is our view that the CIL consultation should take place with the LPR, which we understand is due to be published in September 2014. There is a danger that publishing the draft CIL schedule now may appear to some as prejudicial to the LPR.

In the context of our comments above we welcome the publication of the Draft Infrastructure Plan (DIP) and Regulation 123 List. We understand the final version of the DIP will be published at the same time as the LPR (September 2014); another reason why it would have been preferable to delay publication of matters CIL until the autumn.

We are pleased to see the 123 list. This list must make it clear that all site specific physical and social infrastructure associated with the £0 levy Strategic Sites is to be funded via Section 106 contributions and not CIL. This matter will no doubt be explored in more detail as CIL progresses. We also welcome the 'Instalment Plan'. Although the timetable for payment on schemes of 200 dwellings or more is fairly harsh i.e. 50% payment 60 days into a 4-5 year + build programme seems early given the build rate. Something along the following lines would be more equitable:

- 100 days – 25%
- 250 days – 25%
- 400 days – 25%
- 550 days – 25%

You know that the Mid Devon CIL Charging Schedule must comply with Part 11 of the Planning Act 2008 and the 2010 CIL Regulations (as Amended in 2011, 2012, 2013 and 2014) and that the schedule must be compliant in legal terms and economically viable, as well as reasonable, realistic, and consistent with National guidance.

Differential rates, as you propose, must not be set in such a way as to constitute notifiable state aid under European Commission Regulations. As such differential rates must only apply where consistent economic viability evidence justifies the approach. So Mid Devon must proceed with caution. Whilst we understand and endorse a £0 rate for strategic sites to the North West of Cullompton, and the Tiverton Eastern Urban Extension/Hartnoll Farm, this matter must be treated with care. The economic rationale must be consistent and Mid Devon must ensure that they do not fall foul of the strict rules regarding differential rates.

The current consultation does not provide sufficient clarity regarding the pooling of Section 106 payments. Once the levy is introduced (nationally from April 2015), the CIL Regulations restrict the use of pooled contributions. At that point, no more money may be collected in respect of a specific infrastructure project or type of infrastructure through a Section 106 Agreement, if 5 or more obligations for that infrastructure have already been entered into since the 6th April 2010, and it is a type of infrastructure that is capable of being funded by CIL. This raises the following question - are there any critical infrastructure items not included on the Regulation 123 list, where 5 obligations have already been collected since the 6th April 2010? If so, this has major funding implications.

Once again we thank you for the opportunity to comment on the *Revised Community Infrastructure Levy*. Please keep us fully informed of all future stages of the process.

Kind Regards

David Seaton, BA (Hons) MRTPI
For PCL Planning Ltd