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**From:** Stuart Lange  
**Sent:** 11 July 2014 16:23  
**To:** DPD  
**Subject:** Community infrastructure levy consultation response  
**Attachments:** 140711\_MDDC CIL response.pdf

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Dear Sir / Madam

Please find Devon County Council's response to the community infrastructure levy consultation attached.

I would appreciate it if you could confirm receipt of the document and that it opens correctly.

Kind regards

Stuart Langer

<<140711\_MDDC CIL response.pdf>>

Stuart Langer

Senior Planning Officer

Devon County Council - Planning, Transportation and Environment Group

Address: AB2 Lucombe House, County Hall, Exeter, EX2 4QD

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

Room AB2 Lucombe House  
County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

Sent via email to  
[planningconsultations@middevon.gov.uk](mailto:planningconsultations@middevon.gov.uk)

11 July 2014

Dear Sir / Madam

**Mid Devon Community Infrastructure Levy Preliminary Draft Charging Schedule - Consultation Response**

Thank you for consulting Devon County Council on the preliminary draft charging schedule of the community infrastructure levy (CIL) in Mid Devon. The following comments relate to the different elements of the consultation.

Preliminary draft charging schedule

Clearly the viability context within which CIL will finally be charged is still unknown to some extent. For example it is unknown whether developments of less than 10 dwellings will provide affordable housing contributions (as per government previous consultation<sup>1</sup>) and it has not yet been determined whether Mid Devon's renewable energy policy will remain in place. Clarity will be required on these issues prior to publishing the draft charging schedule.

The county council supports the intention to charge a £0 rate CIL in strategic developments. This approach is supported by the viability evidence base and will allow these developments to mitigate their impacts through the s106 process. However, there is a risk of pooling that will potentially arise from this way ahead. Mid Devon District Council should implement a monitoring system to identify where this may happen and prepare s106 agreements accordingly - to prevent pooling becoming an issue.

In addition to treating strategic sites that are allocated in the Local Plan as £0 CIL, it would be appropriate to treat any windfall developments of significant scale in the same manner. The charging schedule could therefore be amended to state 'strategic sites of over [a certain number of] dwellings'. The viability assessment should be used to identify a suitable threshold. Maps of different charging zones can still be presented for the allocated sites.

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/295035/140320\\_Planning\\_Performance\\_and\\_Planning\\_Contributions\\_-\\_consultation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/295035/140320_Planning_Performance_and_Planning_Contributions_-_consultation.pdf)

There appears to be no specific consideration of rural exception sites in the design of the preliminary draft CIL charging schedule. If rural exception sites come forward with 100% affordable housing then they will be subject to CIL relief, the result of this is that these schemes will not contribute towards infrastructure delivery. It may be appropriate therefore to also exclude infrastructure related to rural exception sites on the regulation 123 list, as has been done for the strategic sites. It may well be the case that viability evidence will show this to be appropriate.

#### Viability assessment

The county council considers it appropriate to use a residual land valuation approach to assess the viability of development in Mid Devon.

It would be helpful to set-out in more detail the assumptions and data which has gone into determining that the residual s106 will be £1000 (see para 2.10.2 of the viability assessment). For example setting out what types of planning obligations this amount is likely to fund.

The assessment could also make an allowance for greater economic recovery in terms of development value. Unless this approach is taken, an early CIL rate review may be required in future.

The assessment result tables (page 76 onwards) could be more clearly presented. For example ensuring that titles are accurate and presenting a positive land value as a positive number. Colour could also be used more effectively. The equivalent CIL rates could also be included on these tables rather than just the total CIL/s106 cost. It should also be clarified whether the £1000 residual s106 is included or not within these assessments.

#### Explanatory note

The explanatory note paragraph 4.8 sets out that the district will consult local parishes to confirm infrastructure priorities. It is considered that the strategic infrastructure identified by the county council in the draft infrastructure plan may require the financial support of local parishes. This should be made clear during that consultation / local liaison.

#### Instalments policy

The instalments seem arbitrary and won't necessarily help cash flow. It may be difficult to monitor the instalment dates (not months or full weeks). A longer instalments period of up to two years may be appropriate.

#### Draft Infrastructure plan and draft regulation 123 list

The county council supports the inclusion of a draft infrastructure plan and draft regulation 123 list as part of the consultation. We have already provided significant input into this process and intend to continue to do so in the future, providing further information and refinements to the county council related infrastructure items as these become available.

The draft regulation 123 list also sets out that education and youth facilities should be funded through CIL. This is considered acceptable however it should be clarified that this also includes 'early years' (ages 2-4) provision, which is often provided at newly built

schools as a nursery. In addition, the county council would also like to see school transport added to the draft regulation 123 list. This is because when houses in rural areas or villages are developed, they can be a considerable distance from schools - even if there is a local primary school, the secondary school may still be some distance away. CIL receipts may be sought to address the additional burden placed on the county council school transport budget as a result of development in rural areas. It is therefore recommended that the top line of the draft regulation 123 list is altered to state to 'Education, Early Years provision, school transport and youth facilities'.

The inclusion of an overarching 'transport improvements' item on the draft regulation 123 list is not supported. Transport improvements are bespoke to each development and should be funded by the developer that triggers the need for them. Having said this, there may be some general transport improvements (which do not relate to a specific development) where CIL is an appropriate funding mechanism. It is therefore recommended that the third line of the draft regulation 123 list is amended to read 'transport improvements unless related to a specific development application / consent'.

The draft regulation 123 list also sets out that CIL will fund community care services. From the description it appears that this would also include extra care places. Occasionally, these are provided for through affordable housing s106 contributions, and the county council would like the flexibility to use s106 to remain. The item could therefore be amended to 'community care facilities except those provided as affordable housing'.

Due to the viability issues identified at the strategic sites, the removal of infrastructure associated with the strategic sites from the CIL mechanism is supported.

It would be helpful if Mid Devon District Council could set out how much funding is likely to be received from CIL in accordance with the different charging scenarios.

I trust that you will find the above comments helpful. Please feel free to contact the county council strategic planning team if you would like to discuss any issues that may arise as a result of this consultation response.

Yours sincerely,

Joe Keech  
*Chief Planner*  
*Devon County Council*

