



Mid Devon Community Infrastructure Levy

2015 Consultation Summary Document

Date: December 2016

Community Infrastructure Levy (CIL) Consultation – Summary of Representations

Policy/para	Summary of main issues raised	Comments made by (customer ID in brackets)	Response
Residential CIL charge			
CIL	The infrastructure costs associated with strategic sites is significant and the scale of onsite delivery renders the use of a Section 106 Legal Agreement more appropriate to secure the associated infrastructure. We consider appropriate phasing and infrastructure delivery will overcome short-term viability issues to ensure that the site (East Cullompton) is deliverable over the longer term. The sites delivery should be managed through a Section 106 Agreement rather than CIL and support the zero rate for strategic sites.	Pegasus Planning (3678)	This comment is noted and supports the provisions for the Strategic Sites as proposed.
CIL	The evidence contained with the Viability Assessment (2014) supports the Council’s Draft Charging Schedule and that the CIL rate for strategic sites should be set at a nil-rate.	Pegasus Planning (3678)	The support for the charging schedule as published is noted.
CIL	<p>There is concern that there is an insufficient provision of affordable housing being delivered over the proposed plan period. It is suggested that the Local Plan should be adapted to reflect this and that either a higher affordable housing target or an increased housing target is required in the Local Plan.</p> <p>As it stands we support for the CIL Charging Schedule particularly through the use of affordable housing thresholds as a way of differentiating between CIL rates and recognising that extra care can fall within the C2 Use Class.</p>	South West HARP Planning Consortium (1581)	<p>Representation has some contradictions. Supports CIL charge as things stand but suggest a higher housing or affordable housing target ought to be promoted. The overall housing target is proposed to be increased to 7,860, which would yield 110 affordable dwellings per year at 28%. The SHMA forecasts a need of 124 affordable dwellings per year; the local plan has been changed to reflect this. It is highly likely that the Council and its housing association partners will be able to provide at least 20 additional affordable dwellings per year through non-planning actions such as investment from the HCA, exceptions sites and delivery on council owned land. Analysis by the Joseph Rowntree Foundation indicates that s106 did not provide 100% of the affordable housing completions in any of the last 10 years The local plan sets targets of 28% in the urban areas on sites of 11 houses or more and 30% in the rural areas on sites of 6 or more. The affordable housing targets are based on viability evidence. Increasing the Affordable Housing target would make some sites unviable and so reduce the delivery of affordable homes overall.</p> <p>As things stand the representation expresses support for the CIL charging Schedule while promoting an increased housing target overall.</p>

<p>CIL</p>	<p>The £100 per sq. m rate is counter intuitive with respect to NPPG guidance in that planning obligations are changed to facilitate and encourage greater delivery of housing from small scale developers.</p>	<p>Devonshire Homes Ltd (1050)</p>	<p>All new developments are required to contribute to the provision of necessary infrastructure in the locality. Without the provision of such infrastructure new development would not be able to take place. Contributions to infrastructure are normally made via Section 106 Obligations or by a Community Infrastructure Levy. Objector refers to Paragraph 12 of NPPG section on planning obligations in their rep - this no longer exists. Paragraph 031 Reference ID: 23b-031-20160519 now states, 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.</p>
<p>CIL</p>	<p>Differential rates should not be used as a means to deliver policy objectives. The proposed CIL rate in Mid Devon seeks to recover under different means; a zero sum game that actively acts against what the NPPG and the Government seek.</p>	<p>Devonshire Homes Ltd (1050)</p>	<p>The differential rates are based on the variation in residential land values identified by Dixon Searle in their viability report. While land values can vary on a site to site basis, Figure 10, page 67 of the Dixon Searle report clearly shows the general range of residential land values and patterns. Generally residential land values are likely to be higher in the areas outside Tiverton, Crediton and Cullompton. The differential rates are therefore justified between urban and rural areas based on the viability evidence provided. The Dixon Searle report states at Paragraph 3.2.6 “ <i>The higher values and typical scheme types coming forward away from Tiverton, Cullompton and Crediton are likely to drive improved viability in the rural areas / smaller settlements and our view is that this could support some - - - - - newly introduced CIL differentiation for all areas outside these 3 main settlements;”</i> The differential in land values between urban and rural areas has been largely maintained in the latest viability assessment (August 16)</p>
<p>CIL</p>	<p>The rate of £40 per sq. m for dwellings incorporated in Zone 2 (Dwellings in Tiverton, Cullompton and Crediton) is supported; however it was felt that the extent of this rate required further clarification.</p>	<p>Bell Cornwell LLP (3775)</p>	<p>CHANGE It is recognised that Zone 2 (iii) Tiverton, Cullompton and Crediton could be more clearly defined. Adding some additional text to the charging schedule, to identify the areas of Crediton, Tiverton and Cullompton as identified for Zone 2 (iii) should resolve the issue.</p> <p>SUGGESTED CHANGE – under Definitions of Charging Zones in the charging schedule, add, “Zone 2 (iii) is land within the defined settlement limits of Cullompton, Tiverton and Crediton but excludes land in Zone 1.”</p>

<p>CIL</p>	<p>The rate for some forms of rural housing is inappropriate which could potentially have the long term effect of constraining land based development and farm based diversification development opportunities with consequential impacts on the long term sustainability of the rural economy and jobs, rural communities and ultimately on the goods and services, both environmental and food related. CIL charging should not apply to these dwellings, which will have been justified as a requirement for the specific business. MDDC has failed to provide evidence to support this charge.</p>	<p>CLA – County Land & Business Association (3649)</p>	<p>Those developing agricultural workers dwellings will generally already own the land, which significantly aids viability. Any reduced sales price when they are determined no longer required on the particular holding reflects the reduced demand because of the occupancy restriction (because only a reduced pool of people are eligible to buy them) rather than being due to issues of affordability.</p>
<p>CIL</p>	<p>Whilst there is support for the reconsideration of the appropriate charge associated with CIL Several representations state that the CIL charge is set too low at a time when infrastructure improvement is needed more than new homes. It was felt that transport infrastructure needs significant improvement before any attempt to increase the number of homes in the town of Cullompton and that poor and inadequate infrastructure is a key issue for the local population.</p>	<p>Pegasus Planning (3678); Individual 3579; 3588</p>	<p>The CIL levy set is based on viability evidence taking account of the financial contribution development schemes can afford to contribute towards the levy and remain viable. The viability of schemes across the district varies whether they are urban or rural based. Town schemes show lower levels of viability and hence contribute lower levels of CIL. While the overall need for infrastructure is recognised and identified in the Infrastructure Plan the NPPF requires us to consider viability and because development has to fund infrastructure that's why it's provided in step with development and it is not always possible to provide the infrastructure in advance of development proposals. It may be necessary to provide the infrastructure in step with or from a consortium of developments.</p> <p>The Strategic Sites seek to provide the necessary infrastructure in step with the developments proposed as set out in the local plan policies and where adopted masterplans.</p>
<p>Strategic Sites CIL Exemption</p>			

<p>CIL</p>	<p>i - It was felt that the use of a disaggregated approach towards the Charging Schedule is inappropriate and that it should be abandoned and replaced with a single, District-wide charge.</p> <p>ii - Clarity is required with regard to whether and what the requirements for the strategic allocations will be ensuring land assembly and delivery in a comprehensive way.</p> <p>iii - The zero rates in the urban extensions is not justified in the absence of any certainty that the necessary site and strategic infrastructure will be provided.</p>	<p>Bell Cornwell LLP (3775) Individual (5236)</p>	<p>i - The differential rates are based on the variation in residential land values identified by Dixon Searle in their viability report. While land values can vary on a site to site basis, Figure 10, page 67 of the Dixon Searle report clearly shows the general range of residential land values and patterns. Generally residential land values are likely to be higher in the areas outside Tiverton, Crediton and Cullompton. The differential rates are therefore justified between urban and rural areas based on the viability evidence provided. The Dixon Searle report states at Paragraph 3.2.6 “ <i>The higher values and typical scheme types coming forward away from Tiverton, Cullompton and Crediton are likely to drive improved viability in the rural areas / smaller settlements and our view is that this could support some - - - - - newly introduced CIL differentiation for all areas outside these 3 main settlements.”</i></p> <p>The differential in land values between urban and rural areas has been largely maintained in the latest viability assessment (August 16)</p> <p>ii - Each of the three Strategic areas are subject to prior application Masterplanning, involving all statutory consultees and the local community. Those Masterplans (will or have) clearly set out the infrastructure requirements and the delivery timetable of the strategic sites.</p> <p>Policies in the Local Plan Review set out the principle infrastructure and policy requirements including a public masterplanning exercise for all three strategic sites which set out the principle infrastructure and policy requirements. Two of the Masterplans have already been prepared. Tiverton Eastern Area Extension Masterplan is approved and adopted. Cullompton North West Extension Masterplan approved and adopted. On the third strategic site Cullompton East, Masterplanning has not commenced. However policies CU7, CU8, CU9, CU10, CU1, and CU12 set out the principle infrastructure and policy requirements.</p> <p>The rate for the Strategic Sites is set at zero as infrastructure provision and/or financial contributions will be provided/collected by Section 106 Planning Obligations. The Tiverton Eastern Extension Masterplan and Cullompton North West Masterplan, show infrastructure provision on these strategic sites is best provided by 106 Obligations</p> <p>Tiverton Eastern Urban Extension that the infrastructure provision on these strategic sites is best provided by 106</p>
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Other CIL charge comments			
CIL	Whilst the CIL document is a 'living document' that should be kept under review, it was felt that there is a need for a more formal mechanism for review to be put into place.	Bell Cornwall LLP (3775)	An annual index-linked adjustment to rates is set out in CIL Regulation 40 (as amended). This will involve the use of the 'All-in Tender Price Index', published by the Building Cost Information Service (BCIS). The adjustment to charge rates will be applied from 1st January each year, using the index figure published by the BCIS for the previous 1st November. The Council will have a duty to keep its adopted levy rates under review to ensure that they remain appropriate over time. The Council will need to consider both the planning policy context within which the levy operates as well as wider economic and market-related changes over time, which may indicate the need to adjust rates to ensure that they do not adversely impact on the overall viability of development across the District. If evidence emerges to indicate that the adopted charge rates are no longer appropriate, the Council will commence the process of a formal review of the Charging Schedule. This will involve the same evidence requirements, consultation opportunities and examination that were required to introduce the initial Charging Schedule.
CIL	To follow the detailed logic of the Local Plan Review it was felt that the new CIL Charging formula is not likely to very quickly fulfil the desirable aims in expanding community aspirations in infrastructure, leisure and sport.	Individual (3700)	It is recognised that the modest CIL rates imposed on development in Mid Devon will take time to make any significant contribution to the infrastructure requirements outside of the provisions identified in the strategic sites.
CIL	The finances secured through CIL should benefit the site from which it originally came from.	Individual (3943)	CIL can be spent District Wide and is not site specific this accords with the provisions set out in National Policy and CIL Guidance. Some or more than was collected from the site may be spent in the locality. 15% of CIL funds collected (or 25% where there is an adopted Neighbourhood Plan, Neighbourhood Development Order or Right to Build Order) is paid directly to the Parish or Town Council. Explanatory Notes about CIL will be provided to accompany the charging schedule.

<p>CIL</p>	<p>The Local Plan should be in place prior to the CIL being adopted. The Council need to have a clear understanding of the level of residential development to be brought forward in the plan period when preparing the charging schedule as this will directly influence the scale of CIL that will be generated.</p>	<p>Gladman Developments (5312)</p>	<p>Infrastructure needs are drawn from the infrastructure assessment that was undertaken as part of preparing the Local Plan. This is because the plan identifies the scale and type of infrastructure needed to deliver the area’s local development and growth needs (paragraphs 162 and 177 of NPPF). In determining the size of its infrastructure funding gap, the charging authority considers known and expected infrastructure costs and the other possible sources of funding to meet those costs. This process helps the charging authority to identify a levy funding target.</p> <p>The Government recognises that there will be uncertainty in pinpointing other infrastructure funding sources, particularly beyond the short-term. Charging authorities should focus on providing evidence of an aggregate funding gap that demonstrates the need to put in place the levy.</p> <p>The Community Infrastructure Levy examination should not re-open infrastructure planning issues that have already been considered in putting in place a sound relevant Plan however in practice joint Local Plan and CIL examinations is common practice.</p>
<p>CIL</p>	<p>The Council should consider how the CIL might fund measures relating to the historic environment in support of infrastructure to deliver sustainable development and sustainable communities.</p>	<p>Historic England (1170)</p>	<p>The Council has a number of Conservation areas at risk. The Council has therefore amended the Regulation 123 list to include “Public realm improvements and enhancements”.</p>
<p>CIL</p>	<p>The Council should consider raising the CIL threshold for small developments, it was felt that the basic rate of 15% is not enough when the levy is used to produce Neighbourhood Plans, new infrastructure in play areas, parks and green spaces, cultural and sports facilities, some schools, police stations, district heating schemes and other community safety facilities.</p>	<p>Individual (2075)</p>	<p>The provision of 15% (25% where there is a Neighbourhood Plan) of CIL being provided to Town and Parish Councils is set in National Legislation. The 15% is the statutory provision which must be given to Town or Parishes Councils it does not prevent local communities for applying for additional CIL funding for specific projects that fall with the provisions of the 123 list. The CIL levy itself is based on viability evidence of development sites. Raising the CIL levy is not supported by the viability evidence.</p>
<p>CIL</p>	<p>In general, there is support for the use of planning obligations (s106)/community infrastructure levy (CIL) as a way of securing the provision for sporting facilities and their maintenance. It may be more effective if the contributions are sought through planning obligations as opposed to CIL unless there is a specific project identified. If such a project is deliverable, then it may be more appropriate to fund through CIL and consequently should be on the Reg 123 list.</p>	<p>Sport England (169)</p>	<p>The policy provisions for the strategic sites requires provision of Children’s play areas and sports pitches. Amenity open space, parks, sports and recreation grounds. A suitable site for relocating Crediton Rugby Club is also required by the plan. All these are required to be provided by the developments. In addition the CIL 123 list makes provision for Leisure Facilities (sports facilities defined as publicly owned leisure centres, gyms and swimming pools.</p>

<p>CIL</p>	<p>The Council has produced a CIL Charging Schedule that is urban focused and the high rural levy will put at risk new developments in rural areas Viability assessments must be underpinned by robust evidence that takes account of the differences in economic viability between urban and rural developments. The Council should consider the use of different rates for rural areas if the charging schedule is not to prevent critically needed rural developments from coming forward.</p>	<p>CLA – County Land & Business Association (3649)</p>	<p>The differential rates are based on the variation in residential land values identified by Dixon Searle in their viability report. While land value can vary on a site to site basis, Figure 10, page 67 of the Dixon Searle report clearly shows the general range of residential land values and patterns. It is clear that generally residential land values are likely to be higher in the areas outside Tiverton, Crediton and Cullompton. The differential rates are therefore justified between urban and rural areas based on the viability evidence provided when considered overall. The Dixon Searle report states at Paragraph 3.2.6 “ <i>The higher values and typical scheme types coming forward away from Tiverton, Cullompton and Crediton are likely to drive improved viability in the rural areas / smaller settlements and our view is that this could support some - - - - - differentiation for all areas outside these 3 main settlements; “</i></p>
<p>Instalments Policy</p>			
<p>CIL</p>	<p>Several representations stated The Council have not produced an Instalments or Exemptions Policy or a policy on the introduction of relief from CIL to comment on despite stating that they will ‘consider the introduction of relief when it considers the adoption of CIL after examination’ and that they will prepare an instalments policy before adoption.</p>	<p>South West HARP Planning Consortium (1581); Bell Cornwell LLP (3775); Gladman Developments (5312)</p>	<p>The Council will provide an Instalment. There is no requirement to have a policy on Exceptional Circumstances Relief. The power to offer relief can be activated/deactivated at any point AFTER a charging schedule is approved. The Council will keep under review the basis for having a policy, but do not intend to produce one at this stage.</p>
<p>CIL</p>	<p>There is a need to review CIL tariffs once they have been set. The economic climate will inevitably change over the course of the plan period and as such the levy rates should be set to maintain development viability.</p>	<p>Gladman Developments (5312)</p>	<p>CIL rates will be adjusted annually to take account of inflationary changes. In addition to annual indexation, the Council have a duty to keep its adopted levy rates appropriate over time. The planning policy context within which the levy operates as well as wider economic and market-related changes over time may indicate the need to adjust rates. If evidence emerges to indicate that the adopted charge rates are no longer appropriate, the Council will commence the process of a formal review of the Charging Schedule. This will involve the same evidence requirements, consultation opportunities and examination that are required to introduce the initial Charging Schedule.</p>
<p>CIL</p>	<p>There is as yet no instalment policy. Larger developments with significant upfront costs can be significantly affected by the front loading payment of CIL. Levy requirements can be critical to viability and an Instalments Policy should be prepared by the Council.</p>	<p>Bell Cornwell LLP (3775)</p>	<p>An instalment policy will be provided by the Council at submission.</p>
<p>Infrastructure Plan/Reg 123 list</p>			

CIL	Greater clarity is needed over what is meant by 'other infrastructure' so that uncertainty does not stunt economic growth as encouraged by the NPPF.	Bell Cornwell LLP (3775)	Examples of "other Infrastructure" are listed in the policy document relating to 106 obligations. It is not a comprehensive list and it is not possible to compile such a list. Such additional infrastructure requirements will be site specific.
CIL	It is inappropriate to set the levy based on a partial understanding of the infrastructure costs and particularly where the total money needed for infrastructure is unknown.	Gladman Developments (5312)	Infrastructure needs are drawn from the infrastructure assessment that was undertaken as part of preparing the Local Plan. This is because the plan identifies the scale and type of infrastructure needed to deliver the area's local development and growth needs (paragraphs 162 and 177 of NPPF). In determining the size of its infrastructure funding gap, the charging authority consider known and expected infrastructure costs and the other possible sources of funding to meet those costs. This process will help the charging authority to identify a levy funding target. The Government recognises that there will be uncertainty in pinpointing other infrastructure funding sources, particularly beyond the short-term. Charging authorities should focus on providing evidence of an aggregate funding gap that demonstrates the need to put in place the levy. The Community Infrastructure Levy examination should not re-open infrastructure planning issues that have already been considered in putting in place a sound relevant Plan.
CIL	The Council should consider using some of the CIL finances derived from developments north of Newton St Cyres towards improving the road infrastructure south of Crediton as new developments in this area impact on road usage throughout the parish. In addition, the Council should consider a cycle/footpath between Crediton and Exeter to be included within the Local Plan with financial contributions provided through CIL.	Newton St Cyres Parish Council (46)	There are no proposals for the improvement of the A377 south of Crediton or Newton St Cyres and DCC Cycle Strategy set out their ambitions for the Devon cycle network. But due to limited funding it did not seek to extend the cycle network and an Exeter-Crediton cycle link was not prioritised. The strategy is now adopted. The route is heavily constrained and deliverability would be very unlikely with the plan period.
CIL	The strategic provision of public open space/green infrastructure should include improvements and/or extensions to public rights of way and recreational trails.	Devon Countryside Access Forum (1534)	The strategic provision of open space/green infrastructure could include extensions and improvements to public rights of ways within those areas.
CIL	One respondent refers to upgrades to the waste water treatment facilities and states that maintenance to the access roads should be completed as a prerequisite, that these roads are made safe, secure and fit for purpose, before any facilities upgrades.	Collipriest Lane Action Group (3594)	The road leading to the Sewage Treatment Works in Tiverton known as "Collipriest Road/CollipriestLane" is a principally a private road shared by a number of householders, land owners and South West Water. Its maintenance and improvement is a matter for those having rights over the roadway. It is not a highway for motor vehicles maintainable at public expense.

CIL	The Council may wish to clarify how development specific planning obligations and S106 will continue to offer opportunities for funding improvements to and the mitigation of adverse impacts on the historic environment such as archaeological investigations, access and interpretation, and the repair and reuse of buildings or other heritage assets.	Historic England (1170)	The Council has a number of Conservation areas at risk. The Council has therefore amended the Regulation 123 list to include "Public realm improvements and enhancements".
CIL	The Regulations 123 list should refer to the conservation and enhancement of Mid Devon's historic townscape, heritage assets and/or their settings to support the funding of appropriate initiatives.	Historic England (1170)	The Council has a number of Conservation areas at risk. The Council has therefore amended the Regulation 123 list to include "Public realm improvements and enhancements".
CIL	No payment in kind policy has been produced by the Council. There is a danger of development paying twice particularly with open space provision.	Bell Cornwell LLP (3775)	The CIL Regulations provide the Council with the discretion to accept CIL payments 'in kind', such as through the transfer of land or the completion of infrastructure works on or off the development site. The Council is proposing to allow payments in kind in line with the CIL Regulations. It will remain in the Council's discretion whether to accept payments in kind.
CIL	Demand for Criminal Justice Centre (CJC), Exeter. Devon & Cornwall Police consider it appropriate that a proportion of the funding gap for the CJC is met by CIL and financial contributions via planning obligations from the strategic sites as part of the development proposals in Mid Devon. CJC should be identified as critical infrastructure in Plan rather than desirable.	Devon and Cornwall Police (5762)	The CJC is identified in the Mid Devon Infrastructure Plan as desirable Strategic Infrastructure and an allocation of £1.05 million from CIL and developer contributions is identified. The IP defines critical infrastructure as that 'required to deliver the strategic objectives of the Local Plan. Critical requirements contribute to delivering the wider strategic aims of the Plan, and may also mitigate the impacts of development schemes. The plan may fail without the delivery of this infrastructure'. Whilst 'Desirable' is infrastructure required to 'enhance the effectiveness, efficiency and quality of infrastructure or services, creating a better place to live and work.' Failure to fund the CJC is not likely to result in the failure of the plan, and hence is not critical.