



Mid Devon Community Infrastructure Levy

2017 Consultation Summary Document

Date: March 2017

CIL

Policy/para	Summary of main comments	Comments made by (customer ID in brackets)	Response
General	Supports use of CIL to secure provision of community/sporting facilities.	Sport England (169)	Support noted
Evidence base	Does not appear to be robust and up to date evidence base for sport and recreation in Mid Devon.	Sport England (169)	The Council have completed an Open Space and Play Area Strategy in 2014 which includes area profiles for all the principal settlement areas. Policy S5 of the Local Plan is based around that Strategy Document.
Reg 123 list	Proposed Reg 123 list excludes sports pitches and associated facilities. Highly recommend MDDC develop Playing Pitch Strategy (PPS) and assess needs and opportunity for sporting provision.	Sport England (169)	Policy S5 of the Local Plan sets out the Council requirements for Open Space and Playing Space provision. The policy seeks both on site provision and offsite financial contributions depending on the location and level of development proposed.
Reg 123 list	Draft Reg 123 mentions 'sport' as generic term including playing fields. Could preclude use of S106 to secure mitigation when sports facility or playing field is affected by a planning application. Potential work arounds for MDDC to consider are provided.	Sport England (169)	Policy DM 24 of the Local Plan provides protection of local green space and recreational land and buildings which may arise from planning applications.
Charging Schedule	Support strategic allocations being zero rated to allow associated infrastructure to be funded through S106.	DCC (139)	Support noted
Reg 123 list	Support inclusion on J27 in zone 1; public realm improvements at J27 should be excluded from 123 list for consistency.	DCC (139)	The suggested modification is noted and accepted add "Excluding any provision required due to the development of the Tourism, Leisure and Retail site at J27(M5)" in the "Public realm improvements and enhancements" section of the Regulation 123 list.

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Reg 123 list	Need for clarification on zone status for Culm Garden Village. Infrastructure required as result of GV should be excluded from 123 list for consistency.	DCC (139)	Garden Village is not part of the current local plan allocation. East Cullompton will be phase of the Garden Village. East Cullompton allocation is a zero rated strategic site and infrastructure required in connection with east Cullompton is excluded from CIL on the 123 list.
Reg 123 list	123 list definition of community care facilities to exclude extra care housing.	DCC (139)	Modification accepted. Amend 123 list to exclude extra care housing. Reg 123 list entry Community Care facilities (social care institutions providing for older people and people with mental health or learning disabilities but excluding extra care housing);
Infrastructure Plan	Request amendment to wording in Draft Infrastructure Plan. Entry for 'Delivery Partners and possible sources of funding' relating to secondary school expansion in Tiverton to read: ...'TCAT, Arts Council, other arts trusts and charitable donors are potential partners if community theatre delivered to serve both the community of Mid Devon and the School'.	Tiverton High School and Tiverton Community Arts Theatre c/o NPS (6795)	No need to amend the infrastructure plan entry. Additional contributions by other art trusts and charitable donors do not need to be specifically mentioned in the plan.
Infrastructure Plan	Pleased that community theatre included in CIL schedule. Propose bid for £1m of CIL funding.	Tiverton High School and Tiverton Community Arts Theatre c/o NPS (6795)	Support noted.
Reg 123 list	Request works to increase Exe flood plain volume within THS site included in CIL schedule.	Tiverton High School and Tiverton Community Arts Theatre c/o NPS (6795)	Before this can be included in the Regulation 123 list and Draft Infrastructure Plan more detail on the extent and cost and timetable of the proposed works would be required.

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General	Commitment to use CIL funds for tree planting	Woodland Trust (6207)	It is not proposed to use limited CIL funding for tree planting.
General	Would like to see reference to role of tree planting for improving air quality and carbon offsetting	Woodland Trust (6207)	This is a planning policy amendment request which should be considered as a Local Plan representation. It is not proposed to use limited CIL funding for tree planting.
Reg 123 list	Advise against specific exclusion of wildlife protection, enhancement and mitigation and SUDS from CIL list.	Natural England (6242)	There are no proposals to amend the 123 list to include provision for wildlife protection, enhancement and mitigation. These provisions would normally be negotiated as part of a planning permission for development where mitigation and protection were required.
Charging Schedule definition	Recommend amendment to affordable housing definition: ' <i>...are dwellings which would <u>comply with the definition as set out at Annex 2 of the NPPF, as well as those which qualify for Social housing relief under the Community Infrastructure Levy Regulations 2010 (as amended)</u></i> '. Or remove row in table completely	South West HARP Planning Consortium c/o Tetlow King (6715)	MDDC do not consider it necessary to broaden the definition of affordable housing to that set out in Annex 2.
Instalments Policy	Support inclusion of Instalments Policy within the CIL Charging Schedule.	South West HARP Planning Consortium c/o Tetlow King (6715)	Support noted
Exceptional Relief Policy	Strongly argue in favour of an Exceptional Circumstances Relief policy. Would allow Council to apply its discretion to specific limited cases, supporting RPs to deliver affordable housing and local regeneration benefits.	South West HARP Planning Consortium c/o Tetlow King (6715)	The Council are not intending to have an Exceptional Circumstances Relief policy at this time. The Council have indicated the matter will be kept under review.

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Viability Evidence	Request full updated viability testing of strategic sites to ensure viability and deliverability within plan period.	Gallagher Estates Ltd c/o Turley Economics (5763)	The viability evidence was completed in 2014 and updated in 2016. The authority is satisfied the viability update sufficiently addressed the changes in policy and costs that had occurred over the intervening time period and it was not necessary to examine every. The fact that on balance the policy changes, rise in values broadly balance against increased costs confirmed CIL rates should remain unchanged. The strategic site CIL rate remains at zero.
Viability Evidence	The adoption of appropriate infrastructure costs is especially pertinent in respect of strategic sites which will be expected to bear the majority of proposed infrastructure costs.	Gallagher Estates Ltd c/o Turley Economics (5763)	The infrastructure Delivery Plan has been updated with the most recent cost estimates. The viability evidence suggested no change take place to the CIL rates. The strategic sites are zero rated for CIL to reflect the significant infrastructure costs required to bring them forward.
Viability Evidence	Question/request further evidence for assumptions used in VUR (historic cost data, construction costs, S106 costs etc.)	Gallagher Estates Ltd c/o Turley Economics (5763)	The CIL update (VUR) report carried out in August 2016 was sufficiently robust to examine the changes that had taken place, since 2014. CIL rates remain the same as those proposed in 2014
Charging Schedule	Setting CIL at an appropriate level would encourage developers to look more favourably at investing in centre of Cullompton.	Haarer Goss (6794)	The Council consider the CIL levy is set at an appropriate rate. There is no CIL levy on the vast majority of commercial development, with the exception of large convenience based supermarkets and superstores and retail warehouses, therefore CIL is no barrier to Town Centre investment.

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Charging Schedule	CIL rate for site identified in Policy CRE5 should be zero. CIL charge alongside site specific S106 requirements would not provide sufficient incentive for land to be released for development	Gleeson Developments Ltd c/o Vail Williams (6685)	CIL payments can be provided by payments in kind. The provision of land for the primary school and site for the rugby club will need to be taken into account when determining the CIL levy due from the site.
Charging Schedule	Zone 1 (zero charge) should be extended to include Blundell's School site allocation (TIV16)	Blundell's School c/o GVA (0776)	Zone 1(zero charge) relates only to large strategic sites. Bundell's School site is not a large strategic site and there is no justification to zero rate the site
Charging Schedule	Object to inclusion of garages in GIA calculation for Draft Charging Schedule.	Persimmon Homes South West (6121)	The Council consider it reasonable to include enclosed garages as part of the GIA calculation of the building.
Infrastructure Plan	Object to inclusion of J28 improvements in IDP.	Persimmon Homes South West (6121)	Infrastructure Plan identifies areas of required infrastructure provision. Improvements to J28 are required infrastructure to service development in Cullompton.