

s c r u t i n y



Scrutiny Research Team

Selected Local Authorities' Charging Structures, Strategies and Experiences on the Community Infrastructure Levy (CIL)

**Research report for the
Environment Scrutiny Committee**

January 2016



City of Cardiff Council

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1. Introduction

This research report was commissioned by the Environmental Scrutiny Committee's Community Infrastructure Levy (CIL) Task and Finish Group to provide Members with an overview of the progress of CIL implementation in selected comparator local authorities.

The first section of this report will provide the following information for each of the 35 local authorities regarding the introduction of CIL that came into force in 2010:

- Progress that each local authority has made so far (adoption, consultation, draft charging schedule published etc.) in the process of introducing CIL
- Amount of CIL revenue generated to date (where applicable and available)
- Current or intended charging rates (where applicable)
- Current or intended charging zones (where applicable)

This report will also cover the following topic areas which are of interest to Scrutiny Committee Members and officers in the Planning Unit of Cardiff Council:

- Local authorities' rationale for their CIL charging schedule
- Recommended guidelines and case studies in implementing CIL
- Local Authority Supplementary Planning Documents on New Planning Obligations
- Case studies on consultation approaches adopted on the use of Section 106 funding

2. Methodology

2.1. Selection of comparator local authorities sample

A total of 35 local authorities have been selected to provide the comparable information presented in this report. These local authorities are grouped into four primary categories:

- Core Cities
- Neighbouring Welsh Authorities
- Comparable Local Authorities by Job Growth Rate
- Comparable Authorities by Housing Price

2.1.1. Core Cities

Included in the sample are the Core Cities¹. These are a collective of cities that deliver 28% of the combined economic output of England, Wales and Scotland (26.5% of the UK economy) and are home to almost 19 million, 30.7% of the combined English, Welsh and Scottish population (29.8% of the UK population). They are:

Birmingham
Bristol
Cardiff
Leeds
Liverpool
Manchester
Newcastle
Nottingham
Sheffield

¹ Glasgow have not been included because the CIL legislation has not been introduced in Scotland

2.1.2. Neighbouring Welsh Local Authorities

The Welsh local authorities selected are those that make up the South East Wales Regional Partnership Board as implemented by the Welsh Local Government Association (WLGA). The South East Wales Regional Partnership Board brings together local authority leaders, Chief Executives and Managing Directors with representation to direct oversee and steer regional joint working in South East Wales as well as act as a reference point for future policy development. The local authorities in the partnership are:

Blaenau Gwent
Bridgend
Caerphilly
Cardiff
Merthyr Tydfil
Monmouthshire
Newport
Rhondda Cynon Taf
Torfaen
Vale of Glamorgan.

2.1.3. Comparable Local Authorities by Job Growth Rate

Advice was sought from officers in the Planning Team and Corporate Policy Team on relevant indicators that could be used for selecting comparator local authorities. For this research the research team took the advice of using figures on job growth taken from the Centre for Cities² 2015 report to select those local authorities with similar growths to Cardiff. Cardiff's job growth (change in jobs between 2004 and 2013) was 3%. The local authorities chosen as comparators are those with a growth of +/- 1% of Cardiff's over that period.

² Centre for Cities 'Cities Outlook 2015' <http://www.centreforcities.org/wp-content/uploads/2015/01/Cities-Outlook-2015-Change-in-jobs-04-13.pdf>

The selected comparator authorities are:

Bolton
Hastings
Peterborough
Plymouth
Telford
Blackburn
Cardiff
Leicester
Worthing
Birmingham
Bristol
Glasgow
Liverpool
Southampton

Appendix 1 shows a copy of the change in job figures (in numerical value and percent) for each of the local authorities that were selected as comparators for this research.

2.1.4. Comparable Authorities by Housing Stock Change

House prices were initially considered as the indicator that would be used to select comparator local authorities. With this in mind, the research team consulted house price figures from the 2015 report published by Hometrack³. Following consultation with colleagues from the Planning Team, it was recommended that the figures on housing stock change⁴ should be used rather than house prices. In the period 2004-2013 Cardiff's housing stock increased by 15,740 which was an increase of 12%. The local authorities selected as comparators are those that had demonstrated a housing stock change +/- 3% of Cardiff's (12%) figures. and included the following authorities:

³ Hometrack, 'UK Cities House Price Index' <https://www.hometrack.com/uk/insight/uk-cities-house-price-index/>

⁴ Centre for Cities 'Cities Outlook 2015' <http://www.centreforcities.org/wp-content/uploads/2015/01/Cities-Outlook-2015-Change-in-housing-affordability-04-14.pdf>

Swindon

Cardiff

Gloucester

Peterborough

Ipswich

Cambridge

Bristol

Warrington

Barnsley

A copy of the Table with the values (between 2004-2013) on percent change of housing stock for the local authorities selected for this research are shown in Appendix 2.

2.1.5. Other local authorities included as comparators

Officers in the Planning Team also recommended that local authorities such as Bournemouth, Oxford and Portsmouth should also be included as comparators as these authorities are often identified as having good practice. These local authorities will appear as an appendix to in the 'Core Cities' group.

2.2 Data Collection

The data for this research report was taken from different sources. A key source of information was the figures that were reported by individual local authorities in the CIL Watch report provided by Planning Resource. An on-line search of the draft charging schedules of the selected local authorities was also undertaken. In addition, a short questionnaire was sent out to the relevant officers of selected local authorities and where necessary follow-up telephone interviews were conducted to collect the information required.

Of the selected local authorities, only a small number have CIL in place, while other local authorities are at different stages in the process of adopting/administrating CIL. This accounts for the limited data on those local authorities who are able to report the total amount of CIL receipts that they have collected to date. The data on the CIL receipts for Leeds was unavailable as the relevant officer is on leave, however the figures for 2014/15 may be made available soon.

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3. CIL Charging Rates in selected comparator local authorities

The results that are presented here illustrate that there is a lot of variation in the charging rates for CIL that has been adopted by the selected local authorities presented in this report. There is variation in the zoning schemes (both retail and residential developments) that each local authority has adopted, i.e. including the number of charging zones (from none to as many as 8 zones) that they have, and the rates that they charge (from £0psqm to £100psqm) for the various individual zones that have been identified.

Some local authorities have different zones and charging for different types of retail activity and/or development while others have adopted zones that specify limits for the size of development that can be accommodated.

The justification for the zoning scheme that each local authority has adopted and the charging that they have adopted will be examined in greater detail in a report to follow.

3.1. Core Cities CIL Status and Comparative Charging Data

Table 1. Core Cities and other Comparable Cities CIL Adoption Status⁵

Authority	Status	Date of/for implementation	CIL receipts 13/14	CIL receipts 14/15	CIL receipts 15/16
Bristol	Adopted	18th December 2012	£510,797.58	£2,768,571.50	(to Nov) 2,504,057. 97
Leeds	Adopted	12th November 2014	N/a	-	Pending
Sheffield	Adopted	3rd June 2015	N/a	N/a	Pending
Birmingham	Examination report published	4th January 2016	N/a	N/a	N/a
Newcastle	Preliminary draft schedule	Summer 2016	N/a	N/a	N/a
Cardiff	Preliminary draft schedule	2017	N/a	N/a	N/a
Nottingham	Feasibility study is ongoing as part of local plan	N/a	N/a	N/a	N/a
Liverpool	Will look at viability as part of local plan	N/a	N/a	N/a	N/a
Manchester	Have no plans to implement CIL	N/a	N/a	N/a	N/a
Portsmouth	Adopted	21st January 2012	£320,248.00	£2,186,503.00	Pending
Oxford	Adopted	21st October 2013	£7,064.00	£1,378,999.82	Pending
Bournemouth	Charging schedule submitted	N/a	N/a	N/a	N/a

Three of the core cities have already adopted CIL, with three more (Birmingham, Newcastle and Cardiff) publishing concrete plans to do the same in the next year or two. Liverpool and Nottingham plan to undertake viability studies as part of work on their Local Development Plans next year, and only Manchester have said they have no interest in CIL at the current time.

Bristol was one of the first authorities to implement CIL. In 2013-2014 Bristol's CIL receipts were modest in their first year at £510,797.58 and have significantly increased (more than quadrupled) in 2014-15 next year and are on course to be slightly higher again for this financial year. As with Bristol, both Portsmouth and Oxford saw modest initial CIL receipts in 2013/14 but saw large percentage increases the following year.

⁵ All data taken from each individual local authority's charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

Table 2. Core Cities Residential CIL Rates⁶ (prices are per sqm)

Authority	Zones				
Sheffield	Zone 5 £80 (outer)	Zone 4 £50 (city centre)	Zone 3 £30 (spans city)	Zone 2 £0 (adjacent to centre)	Zone 1 £0 (outer)
Leeds	Zone 1 £90 (outskirts)	Zone 2a £45 (outer)	Zone 2b £23 (outskirts)	Zone 3 £5 (adjacent to centre)	Zone £5 (city centre)
Newcastle	Zone A £60 (3 sites outer)	Zone B £30 (adjacent to city centre)	Zone 1 £0 (central)	Other £0	-
Bristol	Inner zone £70 (city centre)	Outer zone £50 (outer)	-	-	-
Birmingham	Value zones £69 (outer, adjacent to centre and centre)	Other £0	-	-	-
Cardiff	All £100	-	-	-	-
Bournemouth	Outer zone large £70 (Outer centre 11 units or more)	Outer zone small £70 (Outer centre 10 units or fewer)	Inner zone £0 (City centre)	-	-
Oxford	All £100	-	-	-	-
Portsmouth	All £105	-	-	-	-

⁶ All data taken from local authority charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

The charging for residential zones varies greatly amongst the Core Cities group with some local authorities such as Sheffield and Leeds who have adopted a scheme wherein its residential zones are further subdivided into five different pricing zones. In contrast, Cardiff, Portsmouth and Oxford have adopted one blanket charge (in the range of £100-£105 per sqm) for its residential zone.

Sheffield, Leeds, Newcastle and Bournemouth, charge the highest CIL rates for residential development in zones on the outer reaches of the city while the rates for charging in the zones in the city centre are significantly lower or in some cases have no charge at all. In contrast, the charging rates in Bristol, is higher in the inner zone (city centre) compared to the outer.

Birmingham's charging rates, however, show that there appears to be no correlation between the cost/value of charging with the proximity of the zone to the city centre. As shown in the Table above, there are some local authorities who do not apply a CIL charge (£0 in Newcastle and Bournemouth) or have a minimal charge (£5 in Leeds) for residential zones that are central or within the city centre. The charging schedules of some local authorities (Sheffield, Newcastle, Birmingham and Bournemouth) show that there have selected/specified zones where they do not apply any CIL charge.

Table 3. Core Cities Retail CIL Rates⁷ (prices are per sqm)

Authority	Large	Small	Restaurants/Bars	Supermarket
Birmingham	£260 >2700sqm	£0 <2700sqm	£0	£260 >2700sqm
Bristol	£120 all sizes	£120 all sizes	£120	£120
Cardiff	£250 all sizes	£250 all sizes	£0	£250
Leeds				
City Centre	£135 ≥ 1000sqm	£0 <1000sqm	£5	£110 ≥ 500sqm
Outside City Centre	£55 ≥ 1000sqm	£0 <1000sqm	£5	£175 ≥ 500sqm
Newcastle				
City Centre	£0 >280sqm	£0 ≤280sqm	£0	£30
Gateshead Zone 1	£80 >280sqm	£30 ≤280sqm	£80 >280sqm £30 ≤280sqm	£30
Newcastle Zone 2	£80 >280sqm	£30 ≤280sqm	£80 >280sqm £30 ≤280sqm	£30
Outside the above	£80 >280sqm	£0 ≤280sqm	£80 >280sqm £0 ≤280sqm	£30
Sheffield				
City Centre Prime Area	£30 all sizes	£30 all sizes	£0	£30
Meadowhall Prime Area	£60 all sizes	£60 all sizes	£0	£60
Major Retail Scheme	£60 all sizes	£60 all sizes	£0	£60
Bournemouth				
Town Centre	£0 Comparison £250 Convenience	£0 Comparison £250 Convenience	£0	£250
Outside Town Centre	£250 Comparison £250 Convenience	£250 Comparison £250 Convenience	£0	£250

⁷ All data taken from local authority charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

Oxford	£100 All sizes	£100 All sizes	£100	£100
Portsmouth	£105 >280sqm	£53 <280sqm	£105 >280sqm £53 <280sqm	£105

There is a lot of variation in the CIL charging rates for retail development. Bristol Cardiff and Oxford apply a blanket charge (of a specified value) to different types of retail development whereas the charging rates for retail development in Birmingham and Portsmouth depend on the size of that type of development.

For Leeds and Bournemouth an additional factor (apart from size of development) that has an impact on the retail development charging rates is location i.e. whether it is located in the centre or outside of the centre, Newcastle and Sheffield have different charging rates for different locations and type of retail development.

In most cases or categories of retail development, Newcastle and Bournemouth do not have CIL charge in city or town centres whereas Leeds apply different charges for different types of development within the centre or city. Some local authorities i.e. Birmingham, Leeds, Newcastle, Portsmouth also charge a relatively smaller CIL rate for smaller retail development which are often determined by specified area measurements. In most of the local authorities shown above, the highest CIL charging rates for retail development are for supermarkets.

Sheffield and Newcastle apply the lowest retail CIL charging rates at £60psqm and £80psqm respectively. Birmingham has the highest retail CIL charging rate at £260psqm for a large unit or supermarket while Cardiff's £250 blanket rate appears to be the second highest within this comparator group.

Different authorities apply different charging rates to restaurants and bars retail development.

Table 4. Core Cities Other CIL Rates⁸ (prices are per sqm)

Authority	Student Accommodation	Offices	Industrial/Warehouse	Care Homes	Retail Warehouse	Mixed Leisure (inc hotels)	Public Service and Community Facilities	Other
Birmingham	£0 Greenbelt areas £69 All other areas	£0	£0	£0	£0	£27 City Centre Hotel £0 All other leisure	£0	£0
Bristol	£100	£0	£0	£0	£0	£50	£0	£50
Cardiff	£0	£0	£0	£0	£250	£0	£0	£0
Leeds	£5	£35 In city centre	£5	£5	£5	£5	£0	£5
Newcastle	Central Area Zone 1 £80 Commercial Zone 2 £80 Commercial Zone 3 £0	£0	£0	£0	Central Area Zone 1 £0 Commercial Zone 2 £80 Commercial Zone 3 £80	Central Area Zone 1 £0 Commercial Zone 2 £40 Commercial Zone 3 £0	£0	£0
Sheffield	£30	£0	£0	£0	£0	£40	£0	£0

⁸ All data taken from local authority charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

Bournemouth	£50	£0	£0	£0	£0	£0	£0	£0
Oxford	£100	£20	£20	£20	£20	£20	Non-residential institutions £20	£20
Portsmouth	£105	£0	£0	£53	£0	£53 Hotels	£0	£105

The charging categories identified in the Table above have not been specified in the charging schedule of some local authorities. In some cases the categories identified above will fall under a general heading referred to as 'all other uses'. In Sheffield, the charging rate for 'other' development category is £0psqm whereas in Portsmouth the charging rate for this category is £105 and £50 in Bristol.

Cardiff is the only local authority amongst the Core Cities group that does not apply a CIL charge to student accommodation. Although Birmingham applies a £0psqm CIL charge for student accommodation developments on greenfield sites, this local authority charges a rate of £69psqm in other locations. Newcastle has proposed different charging rates for the commercial zones identified above.

Leeds is the only authority to specify a charging rate for "office" use that only applies to the city centre location and is set at £35psqm. Newcastle has no charge for retail warehouses in the city centre and but the levy is £80 in each of its outer commercial zones and is the only authority to implement a specific charge. Sheffield applies offers a specific charging rate for mixed leisure at £40psqm. Birmingham only charges £27psqm if a hotel is in the city centre and Portsmouth charges £53psqm for all hotels.

Most of the local authorities in this group apart from Oxford do not apply a CIL charge for public service and community. Oxford and Leeds are the only authorities to issue charges for care homes but these are under their 'all other' rates.

3.2. Welsh Neighbouring Local Authorities CIL Status and Comparative Charging Data

Table 5. Neighbouring Local Authorities Progress in Adopting CIL⁹

Authority	Status	Date of/for implementation	CIL receipts 13/14	CIL receipts 14/15	CIL receipts 15/16
Merthyr Tydfil	Adopted	2nd June 2014	N/a	£0	£111,500 (to Dec)
Caerphilly	Adopted	10th June 2014	N/a	N/a	Pending
Rhondda Cynon Taf	Adopted	10th December 2014	N/a	N/a	Pending
Cardiff	Preliminary draft schedule	2017	N/a	N/a	N/a
Monmouthshire	Preliminary draft schedule	-	N/a	N/a	N/a
Newport	Preliminary draft schedule	-	N/a	N/a	N/a
Torfaen	Waiting on viability study	N/a	N/a	N/a	N/a
Vale of Glamorgan	Initial evidence base gathered	N/a	N/a	N/a	N/a

⁹ All data taken from local authority charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

Blaenau Gwent	Not adopted	N/a	N/a	N/a	N/a
Bridgend	No plans to implement	N/a	N/a	N/a	N/a

Merthyr Tydfil, Caerphilly and Rhondda Cynon Taf have all adopted the CIL. So far only Merthyr Tydfil has been able to provide the figures on their total CIL receipts of £111,500 from April to December of this financial year. Three authorities (Cardiff, Monmouthshire and Newport) are working on their preliminary draft schedule with a view to implementing in the next year or two. Torfaen and the Vale of Glamorgan are both waiting on viability studies and initial evidence gathering before proceeding while both Blaenau Gwent and Bridgend have reported that currently they have no plans to adopt CIL.

Table 6. Residential CIL Rates¹⁰ for Neighbouring Local Authorities to Cardiff (prices are per sqm)

Authority	Zones				
	£110 Non-strategic town site	£60 Strategic LDP site	£60 Non-strategic Severnside	£0 Sudbook paper mill	£0 Main and minor villages
Caerphilly	Higher viability area £40 (South - closest to M4)	Mid-range viability area £25 (Central)	Lower viability area £0 (North farthest from M4)	-	-
Rhondda Cynon Taf	Zone 3 £85 (South - closest to M4)	Zone 2 £40 (Central)	Zone 1 £0 (Farthest from M4)	-	-
Merthyr	Merthyr Tydfil £25 (North - farthest from M4)	Mid Valleys £0 (Central)	Lower Valley £0 (South - closest to M4)	-	-
Newport	Zone 1 £60	Zone 2 £25	(All apartments) £0	-	-

¹⁰ All data taken from local authority charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

	(Rest of the city and rural areas)	(West)			
Cardiff	All £100	-	-	-	-

There is a lot of variation on the residential CIL rates that have been adopted by neighbouring local authorities to Cardiff. Some of them (Caerphilly, RCT and Merthyr) have charging zones are identified in relation to its distance or proximity to the M4. Caerphilly and RCT charge the highest CIL rate for developments in the zone closest to the M4 and the lowest CIL rate is in the zoned areas farthest from the M4. In contrast, Merthyr charges the highest rate for the residential zone farthest from the M4 and does not apply a CIL charge for the zone closest to the M4. Newport has identified has two charging zones – Zone 2 that encompasses two areas in the west of the city and carries a lower CIL rate of £25psqm and Zone 1 that covers the rest of the city and rural areas at a rate of £60psqm.

Monmouthshire has identified 5 different zones with rates with corresponding charges for only 3 of these zones. The categories for these zones are sites outlined by their LDP. The highest rate is applied to the zone referred to as ‘non- strategic town site’. No CIL charges apply to the Sudbook Paper Mill site nor to the zone that fall under the category Main and Minor villages.

Table 7. Retail CIL Rates¹¹ for Neighbouring Local Authorities to Cardiff (prices are per sqm)

Authority	Large	Small	Restaurants/Bars	Supermarket
Cardiff	£0 All sizes	£0 All sizes	£0	£0
Monmouthshire				
Out-of-centre	£200 All sizes	£200 All sizes	£0	£200
Centre	£0 All sizes	£0 All sizes	£0	£0

¹¹ All data taken from local authority charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

Caerphilly	£100 All sizes	£100 All sizes	£25	£100
Newport	£100	£100	£100	£100
Merthyr Tydfil	£100 All sizes	£100 All sizes	£25	£100
Rhondda Cynon Taf	£100 All sizes	£100 All sizes	£0	£100

Unlike the CIL charging schedules of some English authorities, most neighbouring local authorities to Cardiff do not differentiate charging rates by the size of retail units. The charging schedule for Monmouthshire has however differentiated charging for retail zones in the Centre (£0psqm) and Out-of-Centre thereof (£200psqm) . Merthyr and Caerphilly have also adopted a lower CIL charge rate for Restaurants and Bars

The results above show that Cardiff's has adopted the highest CIL rates for retail developments including restaurants and bars compared to its neighbouring local authorities.

Table 8. CIL Charging Rates¹² for other Retail Developments in Neighbouring Local Authorities (prices are per sqm)

Authority	Student Accommodation	Offices	Industrial/Warehouse	Care Homes	Retail Warehouse	Mixed Leisure (inc hotels)	Public Service and Community Facilities	Other
Caerphilly	-	£0	£0	£0	£0	£0	£0	-
Cardiff	£0	£0	£0	£0	£250	£0	£0	£0
Merthyr Tydfil	£0	£0	£0	£0	£0	£0	£0	£0

¹² All data taken from local authority charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

Monmouthshire	£0	£0	£0	£0	£0	£0	£0	£0
Newport	£0	£0	£0	£0	£0	£0	£0	£0
Rhondda Cynon Taf	£0	£0	£0	£0	£0	£0	£0	£0

The local authorities in the Table above reported that they have not adopted CIL charges for all the types of developments that are outlined above.

3.3. Comparator Local Authorities (by Job Growth rates) CIL Status and Charging Data

Table 9. Progress in Adopting CIL amongst Comparator Local Authorities (by Job Growth Rates)¹³

Authority	Status	Date of/for implementation	CIL receipts 13/14	CIL receipts 14/15	CIL receipts 15/16
Bristol	Adopted	18th December 2012	£510,797.58	£2,768,571.50	£2,504,057. 97 (to Nov)
Plymouth	Adopted	22nd April 2013	£43,436.12 (from Jun)	£435,436.12	Pending
Southampton	Adopted	17th July 2013	£69,936	-	Pending
Worthing	Adopted	17th February 2015	N/a	-	-
Peterborough	Adopted	15th April 2015	N/a	N/a	-
Birmingham	Examination report published	4th January 2016	N/a	N/a	N/a
Cardiff	Preliminary draft schedule	2017	N/a	N/a	N/a
Leicester	Charging Schedule Submitted	N/a	N/a	N/a	N/a
Bolton	Draft charging schedule published	N/a	N/a	N/a	N/a

¹³ All data taken from local authority charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

The local authorities outlined in the Table above have either adopted CIL or all working towards introducing CIL. Of the five local authorities who have adopted CIL, only 3 local authorities (Bristol, Plymouth and Southampton) have provided data on their total annual CIL receipts. The two other local authorities have not been able to provide the figures requested, Bristol took modest receipts for CIL in the first year at £510,797.58, these had more than quadrupled the next year and are on course to be slightly higher again this year. Plymouth took £43,436.12 in the first nine months of charging CIL but saw this figure increase tenfold in the first full year of charging. Birmingham will be the next to implement CIL in early 2016 and Cardiff, Leicester and Bolton will follow in the next 12 months or so.

Table 10. Residential CIL Rates¹⁴ of Comparator Local Authorities (by Job Growth Rates) (prices are per sqm)

Authority	Zones		
Peterborough	High value zone	Moderate value zone	Low value zone
< 15 units	£140	£120	£100
15 ≥ units	£70	£45	£15
Apartments < 15 units	£70	£45	£15
Over 500 dwellings	£0	£0	£0
	(West of centre)	(Surrounding and east of centre)	(town centre)
Bristol	Inner zone	Outer zone	
	£70	£50	
	(City centre)	(outer)	-
Plymouth	Outside zone 1	Zone 1	
	£30	£0	
	(rest of city)	(South east of city close to some of waterfront)	-

¹⁴ All data taken from local authority charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

Worthing	Charging area £100 (South central on the coast)	Zone 2 £0 (Elsewhere)	-
Birmingham	Value zone £69 (outer, adjacent to centre and centre)	Other £0 (Elsewhere)	-
Leicester	Strategic regeneration area £0 (City centre)	Other £0 (Elsewhere)	-
Cardiff	All £100	-	-
Southampton	All £70	-	-
Bolton	All £45	-	-

There is a lot of variation in the CIL rates for residential developments amongst local authorities identified in the Table above. Five of these local authorities (Peterborough, Bristol and Plymouth, Worthing and Birmingham) have differentiated their residential zones into various categories and have adopted different charges for each designated area. The charging schedule that has been adopted by Peterborough not only differentiates by zones (3 zones/location) but also differentiates the charging by type/number of units of development. Residential developments in the West of the Centre (Higher Value Zones) have the highest CIL Charges compared to other zones/areas, including the “Town Centre” area where development have the lowest CIL charges. In addition, developments of fewer than 15 units are charged more compared to other development types (sizes) regardless of location/zone. Any development of over 500 dwellings has no CIL charge in any location in the authority.

In contrast with Peterborough, the charging schedule for Bristol (City Centre) and Worthing (South Central) show that the highest CIL rate charges are in the centre/central areas. Three local authorities, Cardiff, Southampton and Bolton apply a single blanket CIL charge to all residential developments in their area. Leicester does not make a CIL charge for residential developments.

Table 11. Retail CIL Rates¹⁵ of Comparator Local Authorities (by Job Growth Rates) (prices are per sqm)

Authority	Large	Small	Restaurants/Bars	Supermarket
Birmingham	£260 >2700sqm	£0 <2700sqm	£0	£260 >2700sqm
Cardiff	£0 All sizes	£0 All sizes	£0	£0
Worthing	£150 All sizes	£150 All sizes	£150	£150
Peterborough	£150 >500sqm	£15 <500sqm	£0	£150

¹⁵ All data taken from local authority charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

Bristol	£120 All sizes	£120 All sizes	£120	£120
Plymouth	£100 >1000sqm	£0 <1000sqm	£0	£100
Southampton	£43 All sizes	£43 All sizes	£43	£43
Bolton	£5 All sizes	£5 All sizes	£5	£135
Leicester	£0 All sizes	£0 All sizes	£0	£150

Birmingham, Peterborough and Plymouth had adopted a higher CIL charge rate for retail developments that fall under “Large” category including supermarkets. With the exception of Peterborough, these other local authorities (Birmingham and Plymouth) do not have a CIL charge for “Small” developments including “Restaurants and Bars”. Bristol, Cardiff, Worthing, and Southampton have a blanket CIL charge rate across all forms of retail development. Leicester only charge CIL for supermarkets and Bolton have a low CIL rate of £5psqm for most types retail development apart from supermarkets where they adopted a a CIL charge of £135 psqm. Peterborough’s charging schedule specifies that their retail rates are for convenience stores or stores with an element of comparison retail. Plymouth’s charging schedule specifies that their retail rates are for superstores and that all other rates will be £0 psqm.

Table 12. CIL Rates¹⁶for Other Types of Development amongst Comparator Local Authorities (Job Growth Rates) (prices are per sqm)

¹⁶ All data taken from local authority charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

Authority	Student Accommodation	Offices	Industrial/Warehouse	Care Homes	Retail Warehouse	Mixed Leisure (inc hotels)	Public Service and Community Facilities	Other
Birmingham	£0 Greenbelt areas £69 All other areas	£0	£0	£0	£0	£27 City Centre Hotel £0 All other leisure	£0	£0
Bolton	£45	£5	£5	£0	£45	£5	£0	£5
Bristol	£100	£0	£0	£0	£0	£50	£0	£50
Cardiff	£0	£0	£0	£0	£250	£0	£0	£0
Leicester	£100	£0	£0	£0	£150	£0	£0	£10 Distribution
Plymouth	£0 Zone 1 £60 All other areas	£0	£0	£0	£0	£0	£0	£0
Peterborough	£0	£0	£0	£0	£70	£0	£0	£0
Southampton	£70	£0	£0	£0	£0	£0	£0	
Worthing	£0	£30	£30	£0	£30	£0	£0	£0

Most of the local authorities identified in the Table above have adopted different CIL charge rates for student accommodation. Of these local authorities, Leicester (£100) has adopted the highest CIL charge for this type of development.

Cardiff, Peterborough and Worthing's charging schedules do not have a CIL rate for student accommodation development regardless of location, whereas Birmingham do not have a CIL charge for this type of development in greenbelt areas and similarly in Plymouth for Zone 1 areas or in their designated residential zone.

Worthing and Bolton specify CIL charges for "Offices", "Industrial/Warehouses" and "Retail/Warehouse". Of the local authorities who have CIL charge for retail warehouses, Leicester had adopted the highest charging of £150 psqm. None of the authorities have a CIL charge for care homes or public service and community facilities. Bolton has adopted a standard CIL charge of £5psqm for 'all other uses' while Bristol charges £50 psqm for a similar category. The only other specified miscellaneous CIL charge is Leicester's £10psqm for distribution centres that is distinguished from retail warehouses.

3.4. Comparator Cities (by Housing Stock Change) CIL Status and Comparative Charging Data

Table 13. Progress in Adopting CIL amongst Comparator Local Authorities (by Housing Stock Change)¹⁷

Authority	Status	Date of/for implementation	CIL receipts 13/14	CIL receipts 14/15	CIL receipts 15/16
Bristol	Adopted	18th December 2012	£510,797.58	£2,768,571.50	£2,504,057. 97 (to Nov)
Swindon	Adopted	26th March 2015	N/a	£0	Pending
Peterborough	Adopted	15th April 2015	N/a	N/a	Pending
Ipswich	Preliminary draft schedule	4th December 2013	N/a	N/a	N/a
Cambridge	Preliminary draft schedule	March 2014	N/a	N/a	N/a
Gloucester	Preliminary draft schedule	29th May 2015	N/a	N/a	N/a
Barnsley	Preliminary draft schedule	15th June 2015	N/a	N/a	N/a
Cardiff	Preliminary draft schedule	2017	N/a	N/a	N/a
Warrington	Preliminary draft schedule	-	N/a	N/a	N/a

Of the comparator (by housing stock change) local authorities identified in the Table above, Bristol, Swindon and Peterborough have fully implemented CIL. So far only Bristol had been able to provide the value of their total annual CIL receipts. We are still waiting to receive the reported value of CIL receipts that has been received to date from Swindon and Peterborough. All other local in this group are working on their preliminary draft schedule with a view to implementing CIL in the not too distant future.

¹⁷ All data taken from local authority charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

Table 14. Residential CIL Rates¹⁸ of Comparator Local Authorities (by Housing Stock Change) (prices are per sqm)

Authority	Zones					
Barnsley	Zone 1	Zone 2	Zone 3	Zone 4	Zones 5 +6	Zones 7+8
1- 14 dwellings	£100	£100	£100	£50	£30	£0
15+ dwellings	£100	£100	£50	£30	£5	£0
Peterborough	High value zone	Moderate value zone	Low value zone			
< 15 units	£140	£120	£100			
15 ≥ units	£70	£45	£15			
Apartments < 15 units	£70	£45	£15			
Over 500 dwellings	£0	£0	£0	-	-	-
	(West of centre)	(Surrounding and east of centre)	(town centre)			
Ipswich	Zone 1	Zone 2	Zone 3			
1- 9 dwellings	£120	£85	£50			
10+ dwellings	£120	£50	£0			
	(Central)	(North and east of centre)	(South and south west)	-	-	-
Bristol	Inner zone	Outer zone				
	£70	£50				
	(City centre)	(outer)	-	-	-	-
Warrington	High charge zone	Medium charge zone	Low charge zone			
Market housing	£80	£80	£25			
Market apartments	£30	-	-			
	(South)	(North surrounding centre)	(Town centre)	-	-	-
Swindon	Zone 2	Zone 1				
	£55	£0				
	(Outside new communities)	(New communities)	-	-	-	-
Cambridge	All					
	£125	-	-	-	-	-

¹⁸ All data taken from local authority charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

Cardiff	All £100	-	-	-	-	-
Gloucester	All £0	-	-	-	-	-

The CIL Charging schedules for Barnsley, Peterborough and Ipswich Bristol, Warrington and Swindon have identified different residential zones with different specified charges for each area or location. Barnsley has identified as many as eight different charging zones with rates from £100psqm to £0psqm depending on the viability of the area as stated in their Local Development Plan. Bristol and Ipswich have the highest CIL charge rate for residential development in the “City Centre” or in “Central” location. On the contrary Warrington’s CIL Charges is lowest in the “Town Centre”. In Swindon where they only have two residential zones, there is no CIL charge in “Zone 1” (New Communities) , while a CIL charge rate (£55) is specified for areas “Outside of new Communities” ((Zone 2) .

Three of the local authorities (Barnsley, Peterborough and Ipswich) further differentiate their CIL charges by the size/number of developments. In Barnsley the CIL rate in Zones1&2 are set at £100 regardless of the size of development. For this local authority the CIL rate only varies by the number of dwellings in Zones 4,5+6,7+8. In Peterborough residential development with larger numbers (≥ 15 units), have a lower CIL charge in all designated zones.. In Ipswich larger residential developments 10 dwellings have a lower CIL charge outside of the “Central” zone with a lower charge of £50 (instead of £120) in Zone 2 and £0 in Zone 3.

In Warrington the CIL charging schedule not only differentiates between zones but also differentiates by type of residential development i.e. “Market Housing” and “Market Apartments” zone.

Table 15. Retail CIL Rates¹⁹ of Comparator Local Authorities (by Housing Stock Change) (prices are per sqm)

Authority	Large	Small	Restaurants/Bars	Supermarket
Cardiff	£250 all sizes	£250 all sizes	£250	£250
Peterborough	£150 >500sqm	£15 <500sqm	£0	£150
Gloucester	£150 all sizes	£150 all sizes	£150	£150
Ipswich	£120 all sizes	£120 all sizes	£120 Restaurants £0 Bars	£120
Bristol	£120 all sizes	£120 all sizes	£120	£120
Swindon				
Zone 2	£100 all sizes	£100 all sizes	£100	£100
Zone 1	£0 all sizes	£0 all sizes	£0	£0
Cambridge	£75 all sizes	£75 all sizes	£75	£75
Barnsley				
Other areas	£70 all sizes	£70 all sizes	£70	£70
Town centre and principal shopping areas	£0 all sizes	£0 all sizes	£0	£0
Warrington	£0 supermarket	£40 Neighbourhood convenience	£0	£120

¹⁹ All data taken from local authority charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

Apart from Peterborough and Warrington, the majority of the local authorities identified in the Table above apply a single CIL charge rate for various types of developments (i.e. “Large”, “Small”, “Restaurants/Bars” & “Supermarkets”) as well as in designated location or zones within the local authority.

The charging schedule for retail development in in Barnsley and Swindon differentiates by location where in Barnsley they are no CIL charges for any retail in the town centre and its identified principal shopping areas and Swindon has no charge in “Zone 1” (‘New Communities zone’). As with the majority, both local authorities charge a blanket CIL for different types of retail development in designated locations. The CIL charging in Peterborough differentiates between retail development size with a higher charge (£150) for retail developments that are > 500.

With the exception of Peterborough and Warrington most local authorities have adopted a CIL Charge for “Restaurants and/or Bars with Ipswich only specifying a CIL charge of £120psqm for restaurants but has no charge for bars.

Table 16. CIL Rates for other types of developments amongst Comparators local authorities (by Housing Stock Change)²⁰ (prices are per sqm)

Authority	Student Accommodation	Offices	Industrial/Warehouse	Care Homes	Retail Warehouse	Mixed Leisure (inc hotels)	Public Service and Community Facilities	Other
Barnsley	£0	£0	£0	£0	£0	£0	£0	£0
Bristol	£100	£0	£0	£0	£0	£50	£0	£50
Cardiff	£0	£0	£0	£0	£0	£0	£0	£0
Cambridge	£125	£0	£0	£0	£0	£0	£0	£0
Gloucester	£0	£0	£0	£0	£0	£0	£0	£0
Ipswich	£0	£0	£0	£0	£0	£0	£0	£0
Peterborough	£0	£0	£0	£0	£70	£0	£0	£0
Swindon	£0	£0	£0	£0	£0	£0	£0	£0
Warrington	£0	£0	£0	£0	£75	£0	£0	£0

Of the comparator (by Housing Stock change) local authorities identified in the Table above, only Cambridge and Bristol charge a CIL rate for student accommodation with rates of £125psqm and £100psqm respectively. Bristol also has a CIL charge for “Mixed leisure, including hotels” and has specified a CIL charge of £50 for any other type of development not identified in the Table above.

Only Peterborough and Warrington had specified a CIL charge for retail warehouses with charges £70psqm £75psqm respectively.

²⁰ All data taken from local authority charging schedules, draft charging schedules, email questionnaires or telephone interviews. More details in references section.

Table 17a. Local Authority Section 106 Collections 2010-2015 by Comparator Groupings

Core Cities Group	2014/15	2013/14	2012/13	2011/12	2010/11
Birmingham	£1.7m (2014)	£1.5m (2013)	£5.4m (2012)	£3.7m (2011)	£5.1m (2010)
Bristol	£3,788,684.35	£3,363,318.81	£3,435,607.10	£3,889,062.09	£3,462,502.89
Cardiff	£2,522,753	£2,601,762	£2,006,428	£1,969,397	£2,869,341
Leeds	Average of £3.5m between 2007 and 2012				
Liverpool	Unable to provide the figures				
Manchester	£223,455	Info Unavailable	£4,205,179	£1,252,307	£1,453,493
Newcastle	£1,380,493 (to end of 2014)	£3,734,707	£4,007,342	£1,223,789	£188,638
Nottingham	Data not provided				
Sheffield	Averaged £1m since 1994. Receipts peaked at £3m in 2006, so average 2005-2015 is £1.5m £1.5m				
Portsmouth	Stopped recording once CIL started			£935,995.67	£345,417.94
Oxford	£505,295.95	£577,907.10	£556,374	£651,576.19	£520,219.53
Bournemouth	Data not supplied	£2,027,000	£1,368,000	£1,505,000	£985,000
Adjacent Local Authorities	2014/15	2013/14	2012/13	2011/12	2010/11
Blaenau Gwent	Data not supplied				
Bridgend	Data not supplied		£1,000,556.50	£866,182.70	£20,000
Caerphilly	Data not supplied		£927,255.40	£301,188	£3,623,917
Cardiff					
Merthyr Tydfil	£2,500	£104,990	£57,838	£15,000	£0
Monmouthshire	£2,031,692	£313,315	£283,199	£373,367	£1,155,527
Newport	Data not supplied				
Rhondda Cynon Taf	Unable to provide within timescale				
Torfaen	Data not supplied	£178,878	£588,714	£0	£161,000
Vale of Glamorgan	£3,876,452.81	£5,431,630.24	£511,873	£10,263,858.68	£5,700,691.50

Table 17b. Local Authority Section 106 Collections 2010-2015 by Comparator Groupings

Comparator Cities by Job Growth Rates	2014/15	2013/14	2012/13	2011/12	2010/11
Birmingham	£1.7m (2014)	£1.5m (2013)	£5.4m (2012)	£3.7m (2011)	£5.1m (2010)
Bolton	Data not supplied		£212,658.44	£971,722.86	£186,825.15
Bristol	£3,788,684.35	£3,363,318.81	£3,435,607.10	£3,889,062.09	£3,462,502.89
Cardiff					
Hastings	Data not supplied		£0	£0	£300
Leicester	Data not supplied	£829,218.05	£549,575.68	£240,296.18	£451,581.96
Plymouth	Data not supplied		£2,395,934.28	£693,944.76	£785,593.74
Southampton	Data not supplied		£1,741,762	£3,387,572	£2,384,995
Telford	Data not supplied	£1,826,425 (to Nov)	£2,397,451.00	£2,973,702.00	£1,609,818.00
Worthing	£71,484	£63,844	£56,532	£496,672	£265,038
Peterborough	Data not supplied		£5,988,678	£4,404,321	£2,398,433
Comparator Cities by Percent of Housing Stock Change	2014/15	2013/14	2012/13	2011/12	2010/11
Barnsley	Data not supplied		£398,183	£498,107.50	£564,814
Bristol	£3,788,684.35	£3,363,318.81	£3,435,607.10	£3,889,062.09	£3,462,502.89
Cambridge	£3,826,000 (2014)	£2,877,000 (2013)	£2,597,000 (2012)	£1,431,000 (2011)	£7,072,000 (2010)
Cardiff					
Gloucester	£405,567	£299,361	£660,990	£147,991	£997,733
Ipswich	Data not supplied				
Peterborough	Data not supplied		£5,988,678	£4,404,321	£2,398,433
Swindon	Data not supplied		£135,973.29	£310,937.47	£516,862.15
Warrington	From Apr 2010 to Mar 2015, signed Section 106 agreements have an annual average value of £1,003,613.80				

END

It is worth noting that reported figures on the Section 106 receipts for Cardiff in the Table above are based only on financial contributions that the Council has received in each year. These S106 receipts also may not fully reflect the optimal level of development activity in Cardiff as the local authority is still awaiting the adoption of its LDP. The reported S106 figures for other local authorities may not take into account or reflect the monetary value of planning obligations in cases where the developers undertake the work themselves e.g. building affordable housing, providing open space or undertaking highway improvements etc. The above figures from other local authorities would need to be validated to confirm whether these only represent the monetary receipts that the local authority has received annually or whether these figures would include the value of the planning obligation works that had been undertaken by the developers themselves.

4. Local authorities' rationale for their CIL charging schedule

It is a requirement for the implementation of the Community Infrastructure Levy (CIL)²¹ that there is viability evidence that can be used to ensure that your CIL proposed rate or rates would not threaten delivery of the relevant Plan as a whole (National Planning Policy Framework paragraph 173). Table 1 below shows where this evidence was gathered for each of the selected authorities.

Authority	Title of Study	Date of Study	Producer of Study
Birmingham City Council	CIL Economic Viability Assessment	October 2012	GVA Grimley Ltd
Bristol City Council	CIL Viability Study	February 2012	BNP Paribas Real Estate
Leeds City Council	CIL Economic Viability Study	January 2013	GVA Grimley Ltd
Newcastle City Council	Gateshead and Newcastle Viability and Deliverability Report	October 2015 (update)	In-house chartered surveyors
Sheffield City	CIL Viability Study	February	BNP Paribas Real

²¹ http://www.pas.gov.uk/3-community-infrastructure-levy-cil/-/journal_content/56/332612/4070829/ARTICLE

Council		2014 (update)	Estate
Bournemouth Borough Council	CIL Economic Viability Study	August 2014	Peter Brett Associates
Oxford City Council	The examiner's report says the council 'commissioned a number of viability studies to support the CIL charging rates but these have not been made available.		
Portsmouth City Council	CIL Viability Assessment	March 2011	Dixon Searle LLP
Merthyr Tydfil County Borough Council	Study into the economic viability of charging community infrastructure levy in Caerphilly, Merthyr & Rhondda Cynon Taf County Borough Councils		DVS Property Specialists
Merthyr Tydfil County Borough Council			
Rhondda Cynon Taf County Borough Council			
Monmouth County Council	Viability evidence for development of a Community Infrastructure Levy Charging Schedule	July 2014	Three Dragons with Peter Brett Associates
Newport City Council	Preliminary Draft Charging Schedule and CIL Viability Assessment	June 2015	National CIL Service
Bolton Council	CIL Residential Viability –Addendum Report	April 2013	
	CIL Non-residential Viability –Addendum Report	March 2013	Peter Brett Associates
Leicester City Council	Leicester, Leicestershire and Rutland CIL Viability Study	January 2013	HDH Planning and Development
Peterborough City	CIL Draft Charging	April 2014	Peter Brett

Council	Schedule Viability Study		Associates
Plymouth City Council	CIL Viability Evidence Report	January 2012	GVA Grimley Ltd
Southampton City Council	CIL Viability Assessment	April 2012 (updated)	
Worthing Borough Council	CIL Viability Assessment	August 2012	Nationwide CIL Service
Barnsley Metropolitan Borough Council	Draft CIL Viability Report	April 2015 (updated)	Andrew Golland Associates
Cambridge City Council	CIL Viability Assessment	February 2013	Dixon Searle LLP
Gloucester City Council	Joint Core Strategy Viability Assessment	February 2015 (updated)	Peter Brett Associates
Ipswich Borough Council	CIL Viability Study	November 2013	Peter Brett Associates
Swindon Borough Council	CIL Development Viability Study	June 2012	GVA Grimley Ltd
Warrington Borough Council	CIL Viability Study Final Report	September 2015	Peter Brett Associates

4.1. Birmingham²²

The CIL Charging structure in Birmingham aims to avoid complexity by adopting a two-tier structure that's based on postcodes.

Residential

²² Birmingham CIL Examiners Report (June 2015) pp 9-15
http://www.birmingham.gov.uk/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobheadname1=Content-Disposition&blobkey=id&blobtable=MungoBlobs&blobwhere=1223587549555&ssbinary=true&blobheadervalue1=attachment%3B+filename%3D564615BIRMINGHAM_-_CIL_REPORT_-_FINAL.pdf

There are three high value areas for residential development which have higher charges compared to other residential areas in the city. Overall, the viability model demonstrates there is 'generally strong positive viability in the high value charging zones' and it has been suggested that smaller developments could withstand higher charges. The overall charge took all development types into account and was reduced to £69psqmafter a 40% buffer from the maximum viable rate was added. The results of the viability study also prescribes that low value zones could adopt a lower viable rate of £55psqm (£33 after 40% buffer). However, the local authority decided there will be no charge for these areas. Some concerns had been raised over new homes having no charge when there could be one, especially in light of limited role for Section 106. However, the proposal remains with the view of maintaining viability and maximising affordable housing. The viability study found that developments for retirement housing could also withstand a charge; however, other factors such as required support associated with this type of development would make them less viable and a decision was made to have no charge for this type of development.

Retail

Due to the Council's perception that the city is already well-catered for by a network of centres and supermarkets, a higher charge of £260psqm is proposed for large (over 2000sqm) convenience stores. The charges for other retail types are zero to reflect the council's priority to increase comparison shopping floor space. The Council also has a CIL charge for smaller supermarket formats and discount operators because it is acknowledged that it is important to meet existing meeting demand, plug gaps in provision and drive consumer choice.

Other

A charge is assigned for hotel development the city centre as the study results show that it has better viability in that area. Although the student housing market is regarded as mature, the indicative development in this area justifies a proposed charge for this type of development with the 40% buffer in place.

4.2. Bristol²³

Bristol wanted to keep the charging schedule as simple as possible, which is why they aimed for citywide zones wherever possible.

²³ Bristol Completed questionnaire from Jim Cliffe, Planning Officer and CIL Examiner's Report (July 2012)
<https://www.bristol.gov.uk/documents/20182/239200/Bristol%20CIL%20Report.pdf/3ef1925f-14f7-405b-903d-84cda4609931>

Residential

The charging for residential development is divided into two zones that are broadly based on the SHMA (Strategic Housing Market Assessment). The higher value area is where 40% affordable housing is sought whereas the lower value areas is where 30% is sought. Bristol chose a conservative approach with a 50% buffer from the maximum identified in viability assessments. This was to leave a negligible impact on viability and allow space for site specific characteristics that may affect costs.

Retail

The £120psqmCIL rate for retail was implemented based on robust evidence that it would be sustainable and would not affect the new shopping provision envisioned in the Core Strategy. There was not enough evidence to suggest anything other than a flat rate could be applied.

Other

The results of their viability study also provided evidence which suggests that new hotel and student accommodation provision will continue to come forward and be highly viable despite the application of CIL charges for this type of development.

4.3. Leeds²⁴

The charging rates were determined by viability and although the buffer is only 10% below the maximum viable rate, a cautious approach and conservative estimates is seen as an in-built buffer.

Residential

The Economic Viability study undertaken for Leeds built on its previous work on affordable housing requirements and identified five different residential zones. Average market values for a range of densities were established and over 140 sites including greenfield and previously developed sites were modelled.

Retail

A cautious approach was taken on retail CIL rates, however the buffer was still increased to 37% from the maximum sustainable rate. Large stores outside the city centre proved the most viable in

²⁴ Leeds CIL Examiners Report (September 2014) pp 3-6
<http://www.leeds.gov.uk/docs/Leeds%20CIL%20Final%20Report%20050914.pdf>

contrast to smaller supermarkets and comparison stores that were subsequently given discounted rates. Considering the number of town centres in Leeds, it was decided that differential geographical rates, though feasible, would be unduly complex and cumbersome.

Other

The charges for Offices outside the city centre are lower as they are deemed less attractive and this is reflected in the proposed CIL rates. Other developments such as hotels, care homes or gyms have generated a revenue ranging from £5psqm and £23psqm through section 106 payments, so in keeping with the cautious approach of viability study, the CIL rate has been set at the bottom end of that scale.

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4.4. Newcastle²⁵

Newcastle has described their approach as 'cautious but optimistic' to reflect the current economic climate and low confidence in the housing market. They have acknowledged that the viability evidence is a 'snapshot in time' and that the selected rates must allow for those developments that have abnormally high costs. In the interest of caution wherever viability is only marginal, no charge will be issued.

Residential

Land and development values differ significantly across Newcastle and Gateshead, meaning there is variance in the level of charge that can be sustained for residential developments. The proposed zones were identified by their levels of viability. The two that were deemed capable of sustaining a charge were the High Mid Non Urban Value Area and the High Urban Value Area with the city centre. The remaining parts of the city were deemed unviable for development with a CIL charge. A buffer of just over 70% has been applied from the maximum average charge that would be viable.

Retail

Viability assessments have shown that a flat CIL rate/charge across different forms of retail development and different geographical areas was neither equitable nor appropriate. The city centre has a significant number of listed buildings, high density/mixed uses, complex ownership patterns and restrictions. It was extremely challenging to identify a realistic threshold which has led to the proposed £0psqm rate. Some locality centres were found to be 'at risk' and it was acknowledged that smaller stores have a valuable role in supporting these areas and therefore no CIL rate will be applied for these types of development. Supermarket rates are set to reflect changes in the industry and the type of planning applications received where discounter supermarkets go to low/medium value areas and local supermarkets are more central and generally across value areas.

Other

The student accommodation and hotel rates are a reflection of the existing market conditions and the recent strong increase in enquiries for such accommodation. Conversely market for office space

²⁵ Newcastle CIL Background Paper (April 2015) pp 16-26

https://www.newcastle.gov.uk/sites/drupalncc.newcastle.gov.uk/files/wwwfileroot/planning-and-buildings/planning-policy/ncc_and_gc_cil_pdcs_background_paper_april_2015.pdf

is regarded as weak and new developments have been postponed so the charges assigned for this type of development is zero.

4.5. Sheffield²⁶

Residential

The Viability Study concluded that the ability for residential developments to make CIL contributions was found to depend on area, current use of the site and the amount of affordable housing the council would seek to develop. This has resulted in five different charging zones within the local authority area where two have been deemed as unable to sustain a charge and the other three given a percentage buffer for charging to avoid working on the border of viability.

Retail

The area of Meadowhall has the retail developments that produce the highest residual values according to the viability study, which is reflected in its CIL charge rate. Another justification of the higher CIL rate is that there is no proposed development and it does not qualify as a strategic site for development, so the strategy would not be affected if CIL were to serve as a deterrent. Viability is greatest for large stores, so they incur a rate across the city whereas smaller stores are only viable within the marked prime retail areas. For this reason smaller stores outside those areas are counted as 'other types of development' and subjected to no charge.

Other

A 46% buffer is applied to CIL rates for student accommodation. The rate is based on an assumed rent of £120 per week that the council believes will not deter students because of the quality of the accommodation on offer. There was an initial proposal to charge £10psqm for 'out of town' leisure facilities, however there has since been a proposal to delete the charge and leave the area categorised as 'all other development' which has zero CIL charge. This was a result of problems in defining zones, a lack of viability evidence to support such a charge, and the implementation of these type of developments are regarded as contrary to the core strategy of being located in the greenbelt area

²⁶ Sheffield CIL Examiners Report (February 2015) pp 2-12

<https://www.sheffield.gov.uk/planning-and-city-development/applications/community-infrastructure-levy/adopt-cil/examination.html>

4.6. Bournemouth²⁷

Two charging zones have been created in relation to the Town Centre Area Action Plan (AAP). One of the zones is the area designated to be part of this plan and the other is the rest of the town. Following the submitted schedule for examination, the examiner suggested that Bournemouth lower all its CIL rates to create a more suitable viability margin. The most notable change following this recommendation was for student accommodation where the proposed rate of £50psqm only gave a buffer from the maximum of 24% so it was dropped to £40psqm (39%).

Residential

It was initially proposed that two different rates will be charged for residential developments outside the AAP zone, one for developments with 11 units or more and one for ten or less. Due to the removal of the requirement for the provision of affordable housing on developments of ten units or fewer, the initial proposal was overturned and instead a flat rate for residential development was proposed.

Retail

Only convenience retail and student accommodation will have a CIL rate within the Action Plan area to facilitate development that will assist delivery of the plan. The Council has held the position that small convenience stores that are generally under 100sqm or developments that are conversion projects would not be subject to CIL. Land in Bournemouth is at a premium and it is therefore deemed unlikely that a net gain in new convenience floor space will take place. However, the CIL rate was lowered from the initial proposal to encourage such a development (though unlikely) come forward.

²⁷ Bournemouth CIL Examiners Report (October 2015) pp 2-5

<http://www.bournemouth.gov.uk/PlanningBuilding/PlanningPolicy/PlanningPolicyFiles/CILAdoption/appendix-1-cil-examiners-report.pdf>

4.7. Oxford²⁸

When testing viability, Oxford did not include provision for section 106 income because they didn't expect it to be significant once CIL was approved.

Residential

The results of the viability study found that the majority of areas in the city was deemed viable at the proposed charging rate for residential development. Although three sites were regarded as unviable regardless of any CIL charges, a blanket or city wide CIL rate for residential development has been adopted. The Viability Study showed that the likely residential development values in a relatively compact urban area covered by the city boundary did not justify any differential charging on an area basis. The approach of setting a fairly simple structure of charges complies with government guidance and is appropriate in this case.

Retail

The Viability Evidence Report (VER) indicated that out of centre convenience superstores would be at the margin of viability if CIL were imposed at £100psqm. This is attributed to the very high value assumed for existing uses. According to the CIL examination, a marginal improvement in either rents or yields in the model used would comfortably support the proposed CIL rate and with consideration of comparable developments elsewhere in the sub region. The examiner considered the rate to not be unduly high in relation to costs and would be most unlikely to create a threat to retail development generally.

Other

Locally, BMW is regarded as a major employer which contributes significantly to the local economy. The adoption of CIL charge could result in a substantial charge and impact on any proposed expansion at the BMW premises. The examiner considered that on balance a CIL rate of £20psqm, which is likely to be a small proportion of overall costs, would be unlikely to threaten development at BMW, given the Council's commitment to supporting such a major employer

²⁸ Oxford CIL Examiners Report (July 2013) pp 3-6
https://www.oxford.gov.uk/downloads/file/1390/cil_examiners_report

As the County Council argued, it is clear that charging CIL on uses for community facilities such as education premises would merely add to the costs of development that would have to come from the public purse. However, in practice the additional costs on the small amount of development likely to come forward in this way could be funded through use of the levy itself or through other grant funding.

4.8. Portsmouth²⁹

In developing their CIL charging schedule, the council considered different rates in different geographical areas, but have however concluded that in such a small and compact area, variations in terms of property values cannot be clearly defined. The only variation is that residential institutions will have a lower rate.

Retail

The viability assessment concluded that out-of-centre retail schemes could charge a CIL rate of as much as of £105psqm. The viability of smaller proposals is deemed to be marginal and a reduced levy has been applied for this type of development. The threshold under which are deemed 'small' and therefore incur a lower CIL rate has been set at because it is a reflection of the threshold for Sunday trading laws. In-centre retail will be charged the same lower rate because its viability suggests that a higher rate would put such development at risk regardless of the size

Other

Only extremely optimistic assumptions would make CIL charges viable for office development so the council is proposing that no CIL be charged. It was found that CIL charges for hotels may be viable up to a rate of £105psqm. However a conservative rate of £53psqm is proposed as hotel provision is seen as a key priority for the council and other specific factors (such as size, location and type) make broad assumptions difficult. A similar approach is being taken to care homes.

²⁹ Portsmouth CIL Examiners Report (January 2012) pp 2-5

<https://www.portsmouth.gov.uk/ext/documents-external/pln-cil-examiners-report.pdf>

4.9. Caerphilly³⁰

Residential

The viability study found that sales values and development viability for residential developments are much stronger in the south of the borough than in the north. The three charging zones proposed approximate to, but do not mirror, the three strategic areas defined in the Local Development Plan. The geographical zones also reflect earlier work defining housing market areas, and related viability testing which informed the LDP's approach to location specific affordable housing targets. It is noted that one area, Risca, is an anomaly to this trend.

The Council's existing Local Development Plan seeks to encourage development northwards but the greater share of housing is proposed in the south where viability is regarded as stronger due to proximity to Cardiff and the M4. Three sites with affordable housing obligations of 40%, 10% and 40% showed strong viability resulting in a rate of £40psqm which incorporates a healthy buffer of at least 38% from the maximum viable rate.

Retail

The viability study also provided clear evidence that certain commercial development types were not currently viable and could not sustain CIL charges. In terms of class A1 (shops), four sites were tested and two provided positive results. These were deemed more representative of potential development whereas the two that yielded negative results were thought unlikely to occur with or without a CIL charge. Therefore a flat £100psqm rate has been applied. It is worth noting that the council does not envisage a significant new retail development in the course of the current LDP.

4.10. Merthyr Tydfil³¹

Residential

The residential charging zones in Merthyr Tydfil County Borough Council are based on economic viability and also tie in with the different growth areas identified within the adopted Local Development Plan. The viability study found that sales values and development viability are much

³⁰ Caerphilly CIL Examiners Report (February 2014) pp 7-11

http://offlinehbpl.hbpl.co.uk/NewsAttachments/RLP/Caerphilly_CIL_Inspectors_Report.pdf

³¹ Merthyr Tydfil CIL Examiners Report (February 2014) pp 7-11

<http://www.merthyr.gov.uk/media/1226/merthyr-tydfil-cbc-cil-examination-report.pdf>

stronger in the north of the borough (around Merthyr Tydfil itself) and the south of the borough (around Treharris and Trelewis) than in the mid valleys area. The middle part of the borough have demonstrated lower land and sales values and development viability is more challenging.

The mid valleys zone sites tested were both greenfield sites that either have no affordable housing obligations or at most 5% and all showed that a CIL charge is simply not viable. Initially, the lower valley zone had a proposed rate of £25psqm, however the examiner recommended that any charge would not leave a suitable enough buffer and as such, the proposed charge was dropped and there will be no CIL charge for residential development in that zone. The area around the Merthyr Tydfil itself area has a £25psqm CIL charge which is comfortably below the viability level indicated by the evidence gathered. The examiner recommended that smaller housing schemes should be monitored to see if they continue to come forward and if affordable housing pressures are reduced.

Retail

The Economic Viability Study provided clear evidence that certain commercial development types were not currently viable and could not sustain CIL charges. Large format shops were tested for viability in two sites and returned high achievable CIL rates (£348psqm and £507psqm). It is anticipated that there will be no development for small format retail and as a result the examiner concluded that the limited retail development that may come forward should be able to comfortably afford the £100psqm CIL charge i.e. there would be significant headroom to accommodate a range of schemes

The Council does not envisage any significant Class A3 (bars and restaurants) development in the planned period. However, its testing of a modelled 400 square metre restaurant development generated a £76psqm theoretical residual CIL. The setting of the CIL rate of £25psqm would be well below the theoretical maximum of the one example tested, and it is thought this will leave sufficient scope for other Class A3 development types to remain viable.

4.11. Monmouthshire³²

Residential

Proposed residential charging zones are based on viability evidence, influenced by house price data, land values and costs associated with meeting planning requirements (e.g. affordable housing and site specific infrastructure).

The viability study undertaken suggests that a theoretical maximum CIL rate for residential development in main towns and rural 'rest of Monmouthshire' might be around £160psqm. This proposed maximum value also acknowledges that the lower density development in Monmouth will not be viable at this level. The lower values in Severnside suggest that only a lower CIL can be supported for these types of site up to £40psqm (acknowledging that the lower density development will not be viable). However, it is cited in the LDP that these sites will only make up a small proportion of the planned development. The analysis for the viability study suggests that it is appropriate to set a CIL for residential development in Monmouthshire and that this should vary by location and type of site. Each zone has been given a 30% buffer below the maximum identified CIL rate.

Retail

In light of the good national performance of supermarkets and following an appraisal on this in Monmouthshire show that there is scope for a CIL charge for out of town centre convenience retail development without affecting viability. The results of the viability testing indicated very little scope for charging CIL for town centre comparison and convenience retail units and there is insufficient value in town centre comparison development to set a levy. Whilst town centre convenience testing does show a positive value, it is not significant and may be considered as more marginal than out of centres retail uses.

Local convenience stores are another type of development that is being considered for inclusion in the charging schedule, but not on the same scale as supermarket development and retail warehouse units. Due to the rural nature of Monmouthshire it is anticipated that a lot of new convenience store floor space will either utilise existing floor space or be under 100 sq. m. Therefore the authority has opted for a simpler levy regime with a catch all charge for out of centre

³² Monmouthshire CIL Viability Assessment (September 2015) 99 34-40

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Monmouthshire-CIL-Viability-Final-Report-July-2014.pdf>

retailing, which is higher than a smaller convenience store has shown as viable. However, it is not considered that this will put at risk the provision of smaller units for the reasons set out above.

Other

The viability report also suggests that it would not be helpful to set a CIL for the type of facilities that will be paid for by CIL (amongst other sources). The view on this issues is that there is no or £0 commercial value for community uses although there are build costs of around £1,800 psqm plus the range of other development costs. Therefore a zero CIL rate has been proposed.

4.12. Newport³³

Residential

As part of their Affordable Housing Policy, Newport City Council has identified housing sub-markets, based on average house price data and postcode grouping. It was also noted that the value “spread” is relatively limited across the authority, particularly if Caerleon / Rural Newport is assessed in isolation and would generally (although not exactly) demonstrate something of an urban / rural split.

The results of the Council’s survey of the new build property market did not identify sufficient variability in new build values to robustly warrant more than a two-zone split. New build property drives similar values across the study area, and it was decided that there isn’t enough clear and differential evidence to value new build differently across 4 affordable housing sub-markets. They have suggested that similar new build values can be attributed to the areas grouped under the heading ‘zone 1’. Slightly higher values are deemed appropriate for Caerleon / Rural Newport (Zone 2).

Retail

The research has identified a much less noticeable range for commercial property, with only limited information available. This has been partly attributed to a general lack of new build activity in the commercial market as a result of the on-going economic downturn. Furthermore within the study area the majority of commercial activity is contained within the urban area. This largely comprises some office / industrial and other uses combined with a retail offering.

³³ Newport Preliminary Draft Charging Schedule and CIL Viability Assessment (June 2015) pp 4-5
<http://www.newport.gov.uk/documents/Planning-Documents/Community-Infrastructure-Levy-/Appendix-A---Preliminary-Draft-Charging-Schedule-and-Viability-Assessment.pdf>

The rural areas have limited commercial activity across all sectors, mainly convenience retailing. In summary, the council do not believe that there is sufficient 'fine grained' evidence to warrant a subdivision of what is already a relatively small charging area into separate CIL charging zones for commercial property.

4.13. Rhondda Cynon Taf³⁴

Residential

Providing an appropriate balance between helping to fund necessary new infrastructure and the potential effects on economic viability of development across the area was the main consideration when setting residential charging zones.

Zone 3 is in the south of the borough and has the strongest sales values and viability. This has been attributed to its proximity to the M4 and major urban centres. The study found that sales values and development viability are much stronger in the south of the county borough than in the north and therefore the CIL charging is higher in this area. Although Tonyrefail produced better viability than the rest of the area in zone 2, this area was not included in the higher charging rate of zone three because the council wanted to keep its approach simple and decided that Tonyrefail was not as strong as zone 3 in the south.

Retail

The Economic Viability Study (EVS) also provided clear evidence that certain commercial development types were not currently viable and could not sustain CIL charges. The EVS tested the viability of relatively large format shops in three sites. In results in the two of the sites for the type of development is , deemed most representative of retail development that may happen in the LDP period have produced potential maximum CIL rates of over £1000psqm. However it has therefore been decided that a £100psqm CIL charge is reasonable and would leave significant headroom for the most retail development scenarios.

The preliminary draft charging schedule included a £25psqm rate for bars and restaurants however the examiner saw no evidence to suggest this charge is supportable. There was only one area

³⁴ RCT CIL Examiners Report (June 2014) pp 4-12

<http://www2.rctcbc.gov.uk/en/relateddocuments/publications/developmentplanning/communityinfrastructurelevyexamination/cil-finalinspectorreport.pdf>

available for study and the results have shown that CIL charges were deemed to scrap a CIL charge for this type of development .

Other

There was also a proposal for a CIL charge on primary healthcare developments. Research suggests it would be a very small cost burden on the larger 'commercial' variants of development in this

Category. However , the examiner felt there was insufficient evidence to justify the imposition of a charge on the less commercial variants. As the Council was unable to justify whether or not a CIL charge was viable and with consideration the health and deprivation profiles of parts of the borough it was agreed to scrap the proposal for a CIL charge.

4.14. Bolton³⁵

Following consultation with developers, Bolton Council considered introducing differential CIL rates, which may help to ensure sites with more marginal viability are not unduly impacted. On consideration of evidence from developers it was found that this was insufficient to fully justify the inclusion of boundaries for differential rates. Without robust evidence for geographically varied rates, the council believes that it is more practical to implement a levy with flat rates, rather than introducing differential rates and passing any additional administrative expenses onto the development industry.

Retail

Bolton considered that their proposed response of a £5 base rate for all non-specified development approach is an appropriate response to the viability evidence that balances the need to fund the infrastructure required to enable growth, with the need to maintain development viability. This conclusion was based on revised research and guidance, and the findings of recent Examiner's Reports on CIL charging schedules that included a similar approach. Supermarkets and retail

³⁵ Bolton Community Infrastructure Levy Background Document (April 2013) pp 12-14

<http://www.bolton.gov.uk/sites/DocumentCentre/Documents/Bolton%20DCS%20background%20document.pdf>

CIL Residential Viability Addendum (April 2013) pp A16-A17

<http://www.bolton.gov.uk/sites/DocumentCentre/Documents/Residential%20viability%20addendum%202013.pdf>

CIL Non-residential Viability Addendum (March 2013) pp 3-9

<http://www.bolton.gov.uk/sites/DocumentCentre/Documents/Non%20residential%20development%20viability%20study%20addendum%20report.pdf>

warehouses showed by far the greatest viability which is reflected in the CIL rates that they have applied.

4.15. Leicester³⁶

The recommended strategy for Leicester is to set their CIL charges low. This is to ensure that they are able to maximise the developers' total contribution through managing the Regulation 123 List and ensure that developers continue to make further contributions through a well-developed section 106 strategy and support the delivery of affordable housing. Leicester reports that they are not trying to maximise CIL receipts – but rather to develop a strategy to ensure that development continues and stressed the uncertainty in their housing market in their viability study

Other

With consideration of the viability study results, retail warehouses and supermarkets (including discount supermarkets) are recommended at £150psqm and other retail at a zero rate so as to not run the risk of threatening development.

4.16. Peterborough³⁷

Residential

The results of the CIL viability study has shown that that there are clear and marked differences in the average values of various types of dwellings in different parts of the City. This has therefore justified the differential rates for residential developments of up to 500 dwellings in the different charging zones identified.

There had been representations to suggest that the low value residential zone should be extended to the west to include all of the city centre area defined in the recently adopted Development Plan document. However, the three defined zones have all been done so strictly based on their viability.

³⁶ Leicester CIL Viability Study (January 2013) pp v-ix

<http://www.rutland.gov.uk/pdf/CIL%20031%20Leicestershire%20and%20Rutland%20CIL%20Viability%20Study%201%2013.pdf>

³⁷ Peterborough CIL Examiners Report (February 2015) pp 8-12

<https://www.peterborough.gov.uk/upload/www.peterborough.gov.uk/council/planning-and-development/Planning-CIL-ExaminersCILReport.pdf?inline=true>

The viability study concluded that residential developments with fewer than 500 dwellings, other than larger scale apartment developments, in all three areas could viably contribute towards CIL. Smaller scale developments were found to have the greatest degree of viability. The nil rate for apartment developments comprising 15 units or more reflects the VS finding that developments of apartments this size could not viably contribute towards CIL.

Retail

The viability evidence concludes that supermarkets (including for typical discount operators), retail warehouses, and neighbourhood convenience stores are all viable, whereas high street comparison retail development could not viably contribute towards CIL.

The proposed charging rates all provide a significant margin of 25% or more to allow for inevitable variations in the costs and value of particular retail developments. They are therefore, unlikely to threaten the viability of retail development across the City.

4.17. Plymouth³⁸

Residential

Analysis of residential values across Plymouth has shown variation however the council concluded that it would be extremely difficult to convincingly evidence and justify a set of boundaries for the implantation of a differential CIL rate system. The zone identified as carrying no charge broadly reflects the “Zone of Opportunity for Tall Buildings” in the Council’s Design Supplementary Planning Guidance (SPD).

This zone is the city centre and adjacent areas where it has been determined that tall buildings for residential and student accommodation are most likely to be built. The viability evidence suggests that tall buildings have higher build costs and the return on investment is not realised until completion. The remaining areas of Plymouth is however subject to a £30psqm charge for residential development and £60psqm for student accommodation, both of which are deemed viable an unlikely to affect any affordable housing obligations.

³⁸ Plymouth CIL Viability Report (January 2012) pp 7-14
http://www.plymouth.gov.uk/plymouth_cil_viability_evidence_report.pdf

Retail

In assessing the capacity of various types of development category to pay a CIL charge, they have also carefully considered the state of Plymouth's retail economy. Data from an annual retail survey shows a decline in retail occupancy from 2008 to 2011. There has been either the entry into administration or outright closure of a number of national and regional retail outlets who have a significant presence in Plymouth. For this reason only supermarkets are deemed viable for a charge. Those 'superstores' with floor space >1000sqm (the size threshold deemed by the authority to differentiate between types of retail in terms of viability) can comfortably sustain the suggested CIL rate according to the study.

4.18. Southampton³⁹

The Council's decision to set flat rates for both retail and residential developments across the city is based on assumptions about current local development values and likely costs. The evidence suggests that retail and residential development will remain viable across most of the area if the charges, as modified, are applied. Only if development sales values were to beat the lowest end of the predicted spectrum would development in some parts of the city be at risk.

In setting the two CIL charging rates the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in Southampton, albeit a reduction is required in relation to new housing. The Council has tried to be realistic in terms of achieving a reasonable income to help address an acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable in the city.

4.19. Worthing⁴⁰

Residential

Two residential pricing zones have been identified based on viability. Updated appraisals indicate that the proposed £100psqm CIL levy could be viably charged, with a "buffer" of between £24 and £491psqm, for all categories of residential development in what are deemed the 'medium and high value areas' and for executive housing on greenfield sites in low value areas.

³⁹ Southampton CIL Examiners Report (April 2013) pp 8-10

https://www.southampton.gov.uk/Images/Southampton-CIL-Final-Inspector-Report_tcm63-368654.pdf

⁴⁰ Worthing CIL Examiners Report (November 2014) pp 4-9

<http://www.adur-worthing.gov.uk/media/media,129583,en.pdf>

Updated appraisals of general purpose housing have indicated that in low value areas only executive housing on greenfield land would be viable with the proposed £100psqm CIL charge. On the basis that little residential development would be likely to come forward in these locations, the Council has concluded that a separate rate should not be set for these areas. However, the updated appraisals show that the proposed £100psqm CIL charge would make unviable executive housing on brownfield land, suburban housing on greenfield land and mixed residential development on both greenfield and brownfield land in low value areas. Consequently, by imposing a £100 CIL charge it is very likely that this development would not materialise and thus no CIL income would be secured. Conversely, if no CIL were to be charged on residential development in low value areas, little or no CIL income would be foregone but the potential for otherwise viable residential development to come forward to contribute towards housing needs would be significantly increased.

Retail

Following an assessment of a range of different retail types including a 100sqm general retail store, a 15sqm food store, a 2000sqm supermarket and a 5000sqm retail warehouse, it was found that, assuming the higher on-going s106 cost, all the appraised retail developments could comfortably pay a proposed £150psqm CIL rate. The appraisal also shows that, even on brownfield land, a minimum 'buffer' of £30psqm between the maximum CIL which would be viable and as well as the rate proposed.

The maximum viable CIL rates indicated by the appraisals generally vary more by type of retail use (e.g. food retail versus general retail) than they do by size of development and, thus, the evidence does not support a differential CIL rate for smaller and larger retail development. The appraisals indicate that a higher than proposed CIL charge could be viably levied on certain types of retail development (e.g. general retail). However, the council has found no specific evidence to indicate that not doing so affects finding an appropriate balance in setting its rate, bearing in mind the need to avoid selective assistance resulting from differential rates and the desirability of an uncomplicated schedule.

4.20. Barnsley⁴¹

Residential

CIL residential charging zones have been based on the established housing submarkets zones. This ensures that CIL is linked to the housing policy.

The viability study showed that the economics of development in the lowest value sub markets do not support a CIL, and the Council has decided to take this on board. The evidence suggests that the Council should set a differential CIL, based on the threshold at which Affordable Housing is triggered. Where Affordable Housing and other Section 106 contributions is not required residual values are found to be higher.

The council doesn't believe this should mean that a CIL should be set for smaller sites in the weaker sub markets, but that it should be set differentially in the sub markets where there is a surplus. The point at which CIL is set should reflect a level of cautiousness, since inevitably the land value benchmark will be higher in some instances than assumed in the viability study.

The evidence indicates that for residential development, it is considered that CIL will not render the majority of development throughout the borough unviable. However, it is acknowledged that different rates may have to be set for different parts of Barnsley in order to reflect the viability of residential developments within local areas.

Retail

For non-residential uses, the only types of development which could support CIL and remain viable (at present) are A1 uses (shops). The Council recognises the importance of the redevelopment of the Town Centre and therefore it is proposing that a zero non-residential CIL rate will be applied for the regeneration area within the context of this charging schedule.

The importance of Principal Town shopping district centres and the associated contribution to local communities has also been recognised. It is therefore proposed that a zero non-residential CIL rate will be applied to those zones also.

⁴¹ Barnsley CIL Viability Study (September 2012) pp 23-25

<http://consult.barnsley.gov.uk/portal/development/planning/cil/cil?tab=files>

4.21. Cambridge⁴²

The council proposed to have singular residential and retail rates. decision was taken bearing in mind that a differential charging approach across a small city like Cambridge could get quite complicated, unwieldy and difficult to administer; that there is not much planned growth in the higher value area and so a higher charge in that area would be of little value; and, taking the emerging development strategy into account. This was considered the most appropriate solution because it best represents the mix and balance of local circumstances within the relatively small overall city area, and the blurring between very localised characteristics.

The Council also considered the wider CIL implications, such as the difficulties associated with arriving at suitable differential rates boundaries (in itself telling in terms of weighing up the options), the clarity of the system, administrative side and potential CIL receipts estimates. The opposing tension to viability and finding optimal contributions towards infrastructure need in light of the funding gap were also part of the consideration of balance and the selected single rate approach.

Residential and Retail

The Council proposed to have a single city wide residential CIL charging rate of £125psqm and a single approach based on a retail rate set at the relatively low level of £75psqm. This rate was agreed after consideration of the type of retail development that is most relevant for delivery of the city's local plan And city centre retail needs.

Other

The CIL Viability Assessment found that purpose built student accommodation in Cambridge was to be broadly equivalent to residential (market housing) development in viability terms so is therefore subject to the same CIL rate.

The viability assessment concluded that, in the current depressed market conditions, many commercial uses would not be viable if a CIL charge was applied to them at this time. These

⁴² Cambridge CIL Supporting Information Summary (March 2014) pp 12-16
<https://www.cambridge.gov.uk/public/Idf/CIL/Examination/CIL020%20-%20Draft%20CIL%20Charging%20Schedule%20-%20Supporting%20Information%20Summary.pdf>

findings were deemed a reflection of the poor relationship between development values and costs, compounded by uncertain market conditions, and are consistent with a wide range of other Local Authority areas.

4.22. Gloucester⁴³

Residential

In Gloucester, the viability appraisal undertaken to date (across generic sites) does not support a CIL charge for residential uses. A CIL rate of £0 is therefore proposed but may be reviewed following further viability appraisal and testing.

Retail

The District Valuer Services (DVS) undertook the viability study and found that 'all retail schemes in Gloucester, Cheltenham and Tewkesbury are viable with degrees of surplus except for the Gloucester out of centre scheme'. Using a similar methodology to the residential testing, and applying the headroom to a per square metre figure it was shown that all retail developments can accommodate a rate of £150psqm (with the exception of the Gloucester out of town scheme).

Although CIL may make some developments such as the Gloucester out of centre scheme unviable, the Department for Communities and Local Government guidance recognises the importance of considering economic viability as a whole across the area rather than many different permutations of charges. This is to ensure the rate setter strikes an appropriate balance between the likely development that may arise and a consideration of complexity in variable rates. It is therefore recommended that the £150 rate is sought on retail developments across the three Joint Core Strategy authorities (Gloucester, Cheltenham and Tewkesbury)

4.23. Ipswich⁴⁴

Residential

The Preliminary Draft Charging Schedule split the CIL Charging Map into four residential zones. One zone is for an urban extension which will be dealt with through Section 106 agreements. The

⁴³ Gloucester Preliminary Draft Charging Schedule (April 2015) pp 11-15

<http://www.gct-jcs.org/Documents/CIL/Tewkesbury-Borough-PDCS-Final.pdf>

⁴⁴ Ipswich CIL Viability Study (November 2013) pp 35-50

https://www.ipswich.gov.uk/sites/default/files/Ipswich_CIL_Viability_Study.pdf

other three zones relate to a low, mid and high charge based upon the sales values of properties in these areas.

To avoid potential problems in defining boundaries, Ipswich set out two conditions for creating a robust set of differential charging zones:

- The zones should be separated by substantial and clear-cut price differences.
- They should also be separated by substantial and clear-cut geographical boundaries – for example with zones defined as individual settlements or groups of settlements, as urban or rural parts of the authority. We avoid any charging boundaries which might bisect a strategic site or development area.

The council looked at house prices, talked to agents, developers and officers and together with Land Registry data generated a main hypothesis, which was then tested through formal development appraisals.

The result was a three-tiered charging structure. A variety of viabilities were then tested in each of the zones and the result was that smaller developments provided greater potential profit and could therefore withstand higher CIL charges. To reflect this it is proposed that each zone charges more CIL for developments comprised of 1-9 dwellings, apart from the town centre where there is a flat rate.

Retail

The recommended CIL charge for convenience retail is significantly below all overages produced, allowing for a significant buffer. Viability results show that there are some differences in viability of development for different sized units. However, only limited levels of convenience retail are expected in Ipswich so to avoid undue complexity a single rate charge has been suggested.

Other

Other developments were found to not generate a surplus that could be captured by CIL.

4.24. Swindon⁴⁵

Residential

Swindon's housing provision over the planned period is primarily focused on five new urban extensions, or New Communities, which are programmed to deliver the lion's share of housing, employment and supporting community facilities and infrastructure for the Borough. Three of these areas already benefit from outline planning permission. This refers to zone 1 where there will be a CIL rate of £0 and the existing section 106 regime will be continued. The proposed CIL rate for zone 2 applies to the remaining 5,701 new dwellings which are expected to come forward over the planned period within the rest of the Borough.

Retail

The updated retail Viability Study assessed a number of retail scenarios. Town centre retailing in Swindon is in some difficulty, and has been for a number of years. The town's principal shopping area – the Brunel Centre – went into receivership in December 2011. In common with many town centres, Swindon has seen a reduction in letting activity and rental values as vacancy rates have risen since 2008. Current town centre retail projects, such as Regent Circus and Kimmerfields, are planned to be mixed use developments which typically require an anchor store. This brownfield redevelopment would involve significant costs and a heavy financial burden on scheme viability. For all these reasons, the retail CIL rate has been set at £0 psm within the town centre.

The Council has applied a standard retail CIL rate to all sites outside the town centre, including sites within the New Communities, which are to continue with the existing Section 106 regime. The examiner suggested that the new communities areas also have a £0psqm CIL rate because hypothetical evidence in the VS and retail VS update seems to bear little resemblance to the likely retail development within these areas, such schemes would still be expected to make S 106 contributions towards a range of infrastructure schemes, a separate CIL rate for retail development would add unjustified complication to the CIL geographic zoning, and the additional CIL receipts from the inclusion of the £100psqm rated within Retail Zone 2 would be a relatively minor contribution towards the overall CIL total for Swindon.

⁴⁵ Swindon CIL Examiners Report (February 2015) pp 6-14

http://offlinehbpl.hbpl.co.uk/NewsAttachments/RLP/Swindon_Examination_Final_Report.pdf

Other

The Council has commissioned the testing of a range of other uses, including various employment uses (office, industrial and warehousing); hotels; leisure; health; education; and community facilities. The viability study found there is evidence to show that there are early signs of recovery in the employment and leisure sectors, however the information also shows that this recovery is not yet sufficient to justify applying a rate above £0psqm.

4.25. Warrington⁴⁶

The approach taken by Warrington is to set CIL charge rates at between 50% and 75% of the identified theoretical maximum. This range is applied to show that the charge rate is based on an equitable proportion of the 'surplus' development value and is contributing to the Charging Authority's CIL revenues, whilst also demonstrably drawing down from the ceiling of viability. The Council also adopted the view that simplicity in the charging schedule is also extremely desirable. As such, the approach taken in seeking to set a charge rate for each market area, is to adopt the lowest common denominator of the typologies assessed for each value scenario.

Residential

Using a combination of the sales value heat mapping and other aspects of the evidence base along with the viability assessments undertaken, three residential zones have been defined within Warrington where there is variation in viability

Retail

Based on viability evidence alone, it has been concluded that that only retail developments can comfortably accommodate a charge when looked at on a speculative basis. Assessments showed that high street comparison retail and neighbourhood convenience retail to be viable, however only marginally so.

In the case of each type of development, the council have proposed a range for any CIL charge that takes account of the size of buffer there should be from the set rate and the maximum that would be viable. The extent of which the charge draws away from this theoretical maximum is informed by the Council's attitude to development risk, confirmed by discussions with the project steering group and the feedback received.

⁴⁶ Warrington CIL Viability Study (September 2015) pp47-52

https://www.warrington.gov.uk/download/downloads/id/9052/community_infrastructure_levy_viability_study.pdf.

5. Recommended guidelines and case studies in implementing CIL

The Local Government Association and Planning Advisory Service (April 2013) has published some case studies based on the experiences of 10 local authorities who have developed and adopted CIL. These authorities are:

- Bristol City Council
- Elmbridge Borough Council
- Havant Borough Council
- London Borough of Croydon
- London Borough of Redbridge
- London Borough of Wandsworth
- Newark and Sherwood District Council
- Plymouth City Council
- Shropshire Council
- Wycombe District Council.

Specific details of these case studies can be found at: http://www.pas.gov.uk/web/pas1/3-community-infrastructure-levy-cil/-/journal_content/56/332612/6073804/ARTICLE

Based on the findings of the case studies the following recommended guidelines have been developed for those local authorities who have already adopted CIL.

5.1. Lessons learned and recommended guidelines

5.1.1. Developing and adopting a CIL⁴⁷

The first case study looks at the experience that 10 authorities had when developing and adopting CIL. The following are some of the key things those authorities have highlighted to inform good practice:

⁴⁷ http://www.pas.gov.uk/c/document_library/get_file?uuid=793acdf8-cdf1-4f0f-8060-79eb89a574f6&groupId=332612

- Brief and involve members from the outset
- Take time to plan
- Consider carefully how best to use consultant support
- Don't have preconceived ideas about a CIL charge
- Gather and manage evidence carefully
- Allow time at preliminary draft and draft charging schedule stages
- Don't fear examination – be prepared
- Think about a joint local plan/CIL examination.

5.1.2. Implementing the CIL⁴⁸

The key things identified to consider when implementing a CIL are:

- Start preparing as early as possible.
- Allow plenty of time before commencement of charging.
- Information, information, information.
- Make CIL information a validation requirement of a planning application.
- Involve services across the council – this is a corporate project.
- Training is time consuming.

⁴⁸ http://www.pas.gov.uk/c/document_library/get_file?uuid=cdf49099-b1ae-4769-99d2-b6502eb036ac&groupId=332612

- Structure the CIL implementation team carefully.
- IT is often where the teething problems occur.
- Ensuring consistency.

5.1.3. Governance and spending the CIL⁴⁹

- Governance is still a work in progress for many
- All roads invariably lead back to the Corporate Programme
- Geography and approach can influence spending decisions
- Governance needs to incorporate partnership working with parish councils and other mechanisms in non-parished areas
- Acceptance that CIL is not the 'silver bullet'.
- Think about the intricacies of the Regulation 123 list.
- CIL represents new opportunities for governance.

⁴⁹ http://www.pas.gov.uk/c/document_library/get_file?uuid=cf7f93e4-e0e1-4d2e-9cdb-3f497b302545&groupId=332612

5.1.4. Local authorities' experiences on the impact of CIL on Section 106 charging

As part of a study into Section 106 Planning Obligations in England⁵⁰ that was commissioned by the Department for Communities and Local Government, five local authorities were asked a short list of questions about their operation of the Community Infrastructure Levy (CIL) and its impact on Section 106. The key points under each question are as follows:

Q1. What motivated the local authority to proceed with the levy and how far was the decision driven by the changes to Section 106 pooled contributions from 2014?

The change (post April 2014) in limiting the 'pooling' of Section 106 contributions was a key motivator for introducing the levy for some, but not all, of the authorities. Other factors included, the capture of small contributions from a much wider range of developments (often where it had not been realistic to negotiate planning contributions previously), the reduction of previously available funding pots, and the ability in these early stages of the Community Infrastructure Levy to demonstrate that funding would be in place to support growth alongside a new local plan. The levy was seen to be capable of speeding up the process for securing payments from sites (especially smaller schemes) where previously there would need to be a negotiation to arrive at a Section 106 agreement. Again, this advantage focused on the process for smaller schemes.

Q2 How is the system operating and where is the line drawn between the levy and Section 106?

How the line is drawn between strategic infrastructure to support growth and site specific/local infrastructure is a matter of judgement (but recognising that the authority must not seek Section 106 contributions for something that is levy-funded). Two authorities also prepared "Developer Contributions" Supplementary Planning Documents alongside Community Infrastructure Levy preparation to provide clarity and to identify those obligations still required for large strategic sites. An interesting comment was that in reviewing its Regulation 123 list, one authority said that it was likely to refocus the list on their top priorities.

⁵⁰

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/314066/Section_106_Planning_Obligations_in_England_2011-12_-_Report_of_study.pdf

-Authorities operating the levy are very aware of the importance of the way their Regulation 123 list is drawn up and that items excluded from the list are capable of being delivered by Section 106 agreements for schemes.

Q3 Are there early indications that the amount collected from the levy and Section 106 from developments is different than from under the previous Section 106 regime?

Where authorities report an uplift of income since implementing the levy, it is not because they are collecting more from each scheme but because the levy applies to (nearly) all development. Getting income from smaller sites was cited as being a fairer system than before as these sites would not previously have attracted a Section 106 contribution

But not all the local planning authorities in the (very small) sample reported an immediate sign of an uplift in money collected - two authorities stated that it was difficult to say due to low amounts actually paid to date (although a significant number of liability notices have been issued) and large sites were being treated the same as pre-levy with regard to obligations required.

Low actual income to date outside of London/south east was attributed to the wider financial climate.

Q4a How many Section 106 agreements have been signed since the local authority started charging in 2012 and what were they for?

Q4b How does this compare with the pre-levy world?

The number of Section 106s negotiated and signed has reduced for the sample of authorities since the levy was introduced; in some cases, the fall has been dramatic. It is difficult to say whether this is due to the introduction of the levy and a period of transition for the authority, or due to a slowing down of development due to the wider financial climate. A couple of authorities, for example, had signed around ten Section 106 agreements in the past year compared with more than 50 per annum in pre-levy days. These first signs of the impact of the levy suggest a potential scaling back of Section 106 negotiations and could be the start of a longer term trend. This is an aspect that the Department for Communities and Local Government can keep under review as the levy is more widely implemented – it could, for example, be readily picked up in a future study of the type undertaken in 2011/12.

Affordable housing was the majority component of Section 106s that were used, which is not unexpected as it is excluded from levy funding.

Q5 What happens when viability concerns are raised and to what extent does the negotiation become a discussion about affordable housing?

When questions of viability are raised, the key issue is almost always affordable housing and this is also the element with most flexibility in any agreement. However, one authority said that other contributions such as education, open space, etc. could be affected as well.

DRAFT

6. Local Authority Supplementary Planning Documents on New Planning Obligations

As of April 2015 there are restrictions on the pooling of planning obligations. Now, local authorities can no longer pool more than five s106 obligations together (dating back to March 2010) to pay for a single infrastructure project or type of infrastructure⁵¹. One of the objectives of the research team was to see what difference, if any, this has made to the Section 106 negotiation and consultation process. With the limited time frame in place, the authorities that have already adopted CIL were targeted to give an overview of how these changes fit into the adoption of CIL.

For most authorities, there is a form of Supplementary Planning Document that includes guidelines for the negotiation and consultation process. The most recent, relevant document relevant document for each authority can be found in the table below. These were either shared via email or are currently publically available on the local authorities planning website.

Table 1. Local Authority Planning Obligations Documents

Authority	Document	Date	Notes
Bristol	Planning Obligations Supplementary Planning Document	January 2013	The new SPD was created to coincide with the adoption of CIL
Leeds			Since the adoption of CIL Leeds no longer uses its 'tariff style' supplementary planning documents guidance although elements of these are still active under CIL.
Sheffield	Community Infrastructure Levy and Planning Obligations Supplementary	December 2015	Since the adoption of CIL, Sheffield now will only ask for 106 for affordable housing or on large schemes. They have recently adopted a new SPD to

⁵¹ Planning Advisory Service - CIL – April 2015 pooling restrictions

http://www.pas.gov.uk/web/pas1/3-community-infrastructure-levy-cil/-/journal_content/56/332612/6251592/ARTICLE

	Planning Document ⁵²		provide guidance for this.
Portsmouth			There are no published or formalised section 106 processes. Negotiations are conducted in light of pooling restrictions, but with CIL operational for some years this issue has not been particularly problematic.
Oxford	Affordable Housing and Planning Obligations – Supplementary Planning Document ⁵³	September 2013	The SPD explains the basis on which planning obligations will be sought and the process by which they will be negotiated and calculated where appropriate. These have superseded pre-CIL guidance and were published at the same time that CIL was adopted.
Merthyr Tydfil	Supplementary Planning Guidance Note No. 2 Planning Obligations ⁵⁴	March 2012	This guidance forms part of the LDP that runs until 2021 and there is no sign of an updated version since the adoption of CIL in 2014.
Caerphilly	Affordable Housing Obligations ⁵⁵	2015 (Updated)	Following the implementation of CIL, It is only really affordable housing that is subject to negotiation therefore this supplementary document covers the process. It is part of

⁵² <https://www.sheffield.gov.uk/planning-and-city-development/planning-documents/sheffield-plan/supplementary-planning-documents.html>

⁵³ <http://www.oxford.gov.uk/Library/Documents/Planning/AHPO%20Adopted%20SPD.pdf>

⁵⁴ <http://www.merthyr.gov.uk/media/1211/spg-2-planning-obligations.pdf>

⁵⁵ <http://www.caerphilly.gov.uk/CaerphillyDocs/Planning/LDP1-Affordable-Housing-Obligations.aspx>

			the LDP that runs until 2021 but was updated June 2021
RCT	Supplementary Planning Guidance: Planning Obligations ⁵⁶	December 2014	This guidance aims to clarify what the obligations process and was published at the time that RCT adopted CIL.
Plymouth	Planning Obligations and Affordable Housing Supplementary Planning Document (SPD) ⁵⁷	July 2012	The guidelines describing the approach that the Council planned to apply in its negotiations during the transitional period into CIL adoption are in this document from 2012. No updated document exists.
Southampton	Supplementary Planning Document (SPD) on Planning Obligations ⁵⁸	June 2012	The city council's Planning Service leads the Developer Contributions process, with input from a range of other city council service areas and other public bodies. The guidance provided in this Developer Contributions SPD has not been updated since the adoption of CIL in 2013.
Worthing	Developer Contributions Supplementary Planning Document (SPD) ⁵⁹	July 2015	This was adopted by the Council prior to the implementation of CIL so that it could inform the consideration of planning contributions for

⁵⁶

<http://www.rctcbc.gov.uk/EN/Resident/PlanningandBuildingControl/LocalDevelopmentPlans/RelateddocumentsSupplimentaryplanningGuidanc/PlanningObligationsSPG.pdf>

⁵⁷ http://www.plymouth.gov.uk/planning_obs_affordable_housing_spd_2nd_review.pdf

⁵⁸ <https://www.southampton.gov.uk/policies/Developer-Contributions-SPD.pdf>

⁵⁹ http://www.adur-worthing.gov.uk/media/media_135907,en.pdf

			relevant schemes.
Peterborough	Developer Contributions Supplementary Planning Document ⁶⁰	April 2015	This document is set within the context of the council's adoption of a Community Infrastructure Levy (CIL) by April 2015
Swindon	Development Control Guidance Note ⁶¹	2011	Most of the content of the guidance note became defunct with the introduction of CIL. At present SBC intends to publish a more relevant Planning Obligations SPD.

6.1. Examples of changes in Section 106 obligations with the adoption of CIL

6.1.1. LEEDS⁶²

Following the change in planning regulations in April 2015, infrastructure which is directly required to make development acceptable in planning terms will continue to be sought through Section 106. This means S106 obligations will remain alongside CIL but will be restricted to infrastructure required to directly mitigate the impact of the proposal.

According to the Community Infrastructure Levy Leeds Local Development Framework, on adoption of the CIL, the Council will no longer use its 'tariff style supplementary planning documents guidance (although affordable housing pooled contributions will remain the same). Parts of these documents will still be extant under the CIL, i.e. sections relating to design guidance and broad planning principles. The Council's website provides further detailed guidance.

⁶⁰ <https://www.peterborough.gov.uk/upload/www.peterborough.gov.uk/council/planning-and-development/CILDeveloperContributionSPD.pdf?inline=true>

⁶¹ <http://ww1.swindon.gov.uk/ep/Environment%20Document%20Library/Information%20-%20Developer%20Contributions.pdf>

⁶² Community Infrastructure Levy Leeds Local Development Framework pp 15-16
http://www.leeds.gov.uk/docs/CIL_Adt_01%20Adopted%20Charging%20Schedule%20April.pdf

Larger scale developments typically have larger and more concentrated impacts on the local community and infrastructure network. Under the CIL regime, there will still therefore be a need for provision of infrastructure on-site as part of the determination of a planning application. For instance, major sites are one of the main opportunities to increase the quantity of open space and will be required to provide open space on site in accordance with Core Strategy policies. Similarly, education infrastructure is an integral component of balanced sustainable communities. New housing creates a need for more school places, and these may in some instances be accommodated across the existing school network through payments from the CIL for extensions. Where a scheme in itself creates such a level of need for school places that it cannot be easily accommodated elsewhere, it follows that the site should provide the land for a school on site. On large scale major sites therefore it is likely to be necessary to provide schools directly on site to meet the needs of the development, or it may be appropriate to locate the school on a nearby site where the school will meet the needs of a number of medium to large scale developments. In such cases an appropriate Section 106 contribution will be secured.

The Council will ensure that these schools will not be funded through CIL receipts, that the obligations meet the statutory tests and that no more than five separate planning obligations will be secured for the same school. The Site Allocations Plan will provide more detail and will consider which large sites may require significant on site facilities and be of sufficient scale to fund these through S106 obligations.

Where CIL and Section 106 payments are both required, viability may be taken into account through the exceptional circumstances policy⁶³.

⁶³ Community Infrastructure Levy Leeds Local Development Framework pp 15-16
http://www.leeds.gov.uk/docs/CIL_Adt_01%20Adopted%20Charging%20Schedule%20April.pdf

6.1.2. SHEFFIELD

According to Principal Planning Officer Richard Holmes, Sheffield now usually only ask for section 106 for affordable housing or on large schemes. Although CIL is expected to replace certain Section 106 contributions, there are still affordable housing and site specific contributions that may be appropriate to keep Section 106 charges. The CIL charges include an assumption, as set out in the CIL Viability Study that Section 106 contributions will continue to be made⁶⁴.

The Council's collection of Section 106 Planning Obligations will only be sought for new requirements where they meet the three statutory tests and do not appear in the Regulation 123 List.

6.1.3. PORTSMOUTH⁶⁵

The council's draft charging schedules states that, the Council operated a system of pooled contributions for certain types of Section 106 monies, including provision for open space and sustainable transport. Once the CIL charging schedule was adopted the scope for pooling Section 106 contributions was dramatically reduced, becoming restricted to contributions from no more than five developments for each infrastructure project in line with the new regulations.

Many developments are liable to both pay CIL and enter into a Section 106 agreement. The CIL payment and Section 106 obligations cover different things, and developments are not being charged for the same items of infrastructure through both obligations and the levy.

CIL became the main source of developer contributions towards infrastructure beyond the immediate needs of the development site. While CIL replaced Section 106 agreements in many cases, Section 106s are still used for local infrastructure requirements on development sites, such

⁶⁴ Community Infrastructure Levy and Planning Obligations Supplementary Planning Document p 11.
<https://www.sheffield.gov.uk/planning-and-city-development/planning-documents/sheffield-plan/supplementary-planning-documents.html>

⁶⁵CIL Consultation on Draft Charging Schedule p. 2
<https://www.portsmouth.gov.uk/ext/documents-external/pln-cil-consultation-charging-schedule.pdf>

as local access or connection to services. Some of these requirements may be physically off site, but are be secured under Section 106 where they are clearly linked to the development site and needed to make that particular site acceptable..

6.1.4. OXFORD

According to the Affordable Housing and Planning Obligations Supplementary Planning Document, as a result of the changes in Section 106 pooling from April, planning obligations will be scaled back to cover the provision of affordable housing and site specific measures required to mitigate the impact of development. In circumstances where a development proposal directly results in the loss of an existing community facility that is used by the public, or an important site feature such as a habitat of high biodiversity value, the City Council may require the replacement of that facility or site feature either directly by the developer or through a financial contribution that would be set out in a planning obligation.

CIL will be the mechanism by which contributions are pooled to help pay for items of infrastructure that are needed to support growth. CIL will therefore replace planning obligations as the means of funding off-site infrastructure, such as additional school places, transport improvements or improved leisure facilities, which are required in connection with new development and consequent population or economic growth.

In relation to Core Strategy strategic sites that are likely to include significant on-site infrastructure provision, the City Council will be careful to ensure that the combination of CIL and S106 obligations does not threaten delivery of the sites.⁶⁶

⁶⁶ Affordable Housing and Planning Obligations Supplementary Planning Document pp12-13
https://www.oxford.gov.uk/downloads/file/596/ahpo_adopted_spd

6.1.5. MERTHYR TYDFIL AND CAERPHILLY

In order to ensure that planning obligations and the CIL can operate in a complementary way, the CIL Regulations scale-back the way planning obligations operate. According to each local authority's Regulation 123 List of Infrastructure, Limitations are therefore placed on the use of planning obligations in three respects:

- Putting the policy tests on the use of planning obligations on a statutory basis for developments which are capable of being charged the CIL
- Ensuring the local use of the CIL and planning obligations do not overlap
- Limiting pooled contributions from planning obligations towards infrastructure, which may be funded by the CIL.

The CIL regulations place into law the policy tests on the use of planning obligations. The statutory tests are intended to clarify the purpose of planning obligations in light of the CIL.

Conversely, the CIL is intended to provide infrastructure to support the development of an area, rather than to make individual planning applications acceptable in planning terms. As a result, there is likely to be site-specific impact mitigation requirements without which a development should not be granted planning permission. Some of these needs may be provided for through the CIL but others may not, particularly if they are very local in their impact. There is therefore still a legitimate role for development-specific planning obligations to enable the Council to be confident that the specific consequences of a development can be mitigated.

The Council will therefore continue to secure Planning Obligations where they are necessary to remove obstacles to planned development and are therefore critical to the delivery of the site, for example to provide direct site access, flood protection and wildlife protection measures and for on-site leisure provision such as open space, local areas for play (LAPs), local equipped areas for play (LEAPs) and on-site education provision (schools). Further, s106 contributions may still be sought for infrastructure, where:

- It can meet the above tests
- The Council has indicated that this type of infrastructure item will not be funded through CIL.

Affordable housing will continue to be funded through S106 Obligations. The Charging Schedule has set CIL at a level that has been assessed as viable with the provision of affordable housing and it is, therefore, expected that on-site provision of affordable housing will be achievable⁶⁷.

6.1.6. RCT

Some Q&As published by the authority say that the ability to use Section 106 planning obligations (in line with the Council's Supplementary Planning Guidance: Planning Obligations) has not been removed now CIL has taken effect. The CIL Regulations do, however, introduce statutory restrictions on the use of planning obligations once CIL takes effect.

The restrictions include the provision that the Council cannot secure planning obligations through Section 106 arrangements for a type of infrastructure once it is identified for delivery through CIL on the Regulation 123 list. This provision is to ensure the Council will not double charge for the same item of infrastructure; it will either be delivered through CIL or Section 106, not both.

The purpose of these restrictions is to ensure that the Council will only use Section 106 to secure planning obligations that are directly related to the development, not being delivered through CIL and are necessary to enable the grant of planning permission. Examples being to secure affordable housing, which is outside of CIL or a pedestrian crossing required to mitigate a specific impact. The Council's Planning Obligations: Supplementary Planning Guidance (SPG) (currently subject to Council approval) provides guidance on the circumstances in which planning obligations will be sought, along with advice on the likely nature of the obligations⁶⁸.

⁶⁷ Caerphilly Regulation 123 List of Infrastructure pp 3-4

http://www.caerphilly.gov.uk/CaerphillyDocs/Planning/Regulation_123_List_replacement_Aug2015.aspx

Merthyr Tydfil Draft regulation 123 List of Infrastructure p 4. <http://www.merthyr.gov.uk/media/1208/mctcbc-reg-123-list-of-infrastructure.pdf>

⁶⁸ Community Infrastructure Levy FAQ's

<http://www.rctcbc.gov.uk/EN/Resident/PlanningandBuildingControl/CommunityInfrastructureLevy/CommunityInfrastructureLevyFAQs.aspx>

6.1.7. PLYMOUTH

The Community Infrastructure Levy (CIL) Guide for Developers Depending on the nature, scale and location of the development, the Council may seek planning obligations through the Section 106 mechanism, in addition to the payment of CIL.

Affordable Housing provision will continue to be sought through the Section 106 mechanism. (In particular, it is likely that Section 106 agreements will be negotiated to ensure that other on-site infrastructure requirements are met).

In some cases, Section 106 agreements may be negotiated to deliver strategic infrastructure, where the development gives rise to or contributes to the need for that infrastructure, and where the requirements of the tests set out in CIL Regulation 122 are met⁶⁹.

6.1.8. SOUTHAMPTON

The Developer Contributions Supplementary Planning Document states that following the adoption of the Charging Schedule, CIL will become the main source of funding available through development management decisions for the majority of sites.

The provision of affordable housing currently lies outside of the remit of CIL and will continue to be secured, in the main, through Section 106 Agreements as well as some exception sites. Section 106 Agreements and planning conditions will also continue to be used for local infrastructure requirements on development sites, such as site specific highway improvements, local provision of public open space, connection to utility services (as required by legislation), habitat protection, access footpaths and roads, and archaeology. The principle is that all eligible developments must pay towards CIL as well as any site specific requirement to be secured through Section 106 Agreements. Further details on the levy charge can be found in the Community Infrastructure Levy Charging Schedule, or successor documents, and should be read in conjunction with this document.

Large scale major developments usually also necessitate the provision of their own development specific infrastructure, which are dealt with more suitably through a Section106 agreement, in

⁶⁹ Plymouth Community Infrastructure Levy (CIL) Guide For Developers
April 2014 p4. www.plymouth.gov.uk/cil_guide_for_developers.pdf

addition to the CIL charge. It is important that the CIL Charging Schedule differentiates between these infrastructure projects to ensure no double counting takes place between calculating the city wide CIL rate for funding of infrastructure projects and determining Section 106 Agreements for funding other development site specific infrastructure projects.

It is advisable for each large scale major development to come forward in its entirety at outline application stage in order for the scheme as a whole to be considered. Outline applications will need to agree phases of development in order for each phase to be considered as a separate development and enable CIL to be levied per agreed phase⁷⁰.

6.1.9. WORTHING

The Developer Contributions Supplementary Planning Document states that development should make appropriate provision of services, facilities and infrastructure to meet its own needs. This means that where sufficient capacity does not exist the development should contribute what is necessary either on-site or by making a financial contribution towards provision elsewhere. These site specific developer contributions are secured by applying a Planning Obligation, secured by either a Section 106 Agreement or Unilateral Undertaking, which is prepared and concluded as part of the planning application process.

The NPPF supports the continued use of these mechanisms and it states that local planning authorities can consider whether otherwise unacceptable development could be made acceptable through the use of conditions or Planning Obligations to provide mitigation or compensation. However, it is also emphasised that agreements should only be used where it is not possible to address unacceptable impacts of a development through a planning condition and, if used, they should be sufficiently flexible to prevent planned development being stalled.

The NPPF (paragraphs 203-206) reiterates the statutory requirements set out in regulation of the 122 of the CIL Regulations that states that Planning Obligations should only be sought where the requirements are:

- Necessary to make the development acceptable in planning terms;

⁷⁰ Developer Contributions Supplementary Planning Document pp 8-9.
https://www.southampton.gov.uk/Images/Developer%20Contributions%20Supplementary%20Planning%20Document_tcm63-360904.pdf

- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Therefore, the Council can continue to use Planning Obligations alongside CIL for affordable housing and to mitigate the potential adverse impacts of development. As such, the Council will continue to negotiate financial or other contributions for site related infrastructure improvements that are required to: mitigate the impact of development; enable planning permission to be granted; and to make a new development acceptable or successful.

To achieve this, and in accordance with Section 106 of the Town and Country Planning Act 1990 (as amended), Planning Obligations can be used to:

- Restrict the development or use of the land in any specified way
- Require specified operations or activities to be carried out in, on, under or over the land
- Require the land to be used in any specified way
- Require a sum or sums to be paid to the authority on a specified date(s) or periodically.

Planning Obligations can therefore be used to: prescribe the nature of the development (e.g. a proportion of the housing must be affordable); compensate for loss caused by a development (e.g. loss of open space); or mitigate a development's impact (e.g. increase public transport provision). Agreements must be governed by the fundamental principle that planning permissions may not be bought or sold and they cannot be used to secure a share in the profit from development.

Unless it is agreed otherwise, Planning Obligations run with the land in perpetuity and are usually enforced against those with a legal interest in the land at the time of any breach of the planning obligations until such time as they are discharged or otherwise modified.⁷¹

6.1.10. PETERBOROUGH

⁷¹ Developer Contributions Supplementary Planning Document pp 6-7. <http://www.adur-worthing.gov.uk/media/media,134951,en.pdf>

Following the adoption of a CIL Charging Schedule in Peterborough, the use of S106 Planning Obligations will be scaled back significantly, and it is expected that, for the majority of development, CIL will become the main source of infrastructure funding obtained through the development management process. However, on sites of 500 dwellings or more Planning Obligations will continue as the primary mechanism for securing infrastructure associated with these developments⁷².

6.1.11. SWINDON

Section 106 negotiations are directly informed by the Reg 123 List and pooling restrictions. This means that the Council can no longer negotiate a S106 package using its previous tariff based approach to planning obligations prior to CIL. The approach was contained in the guidance note referenced in table 1⁷³.

The Council's Validation Checklist now requires the submission of an 'Infrastructure Requirements Statement' for relevant development proposals and the validation of these will be held up without it. For more information on this please see the Checklists for Planning Applications

⁷² Peterborough City Council Developer Contributions Supplementary Planning Document p 11.
<https://www.peterborough.gov.uk/upload/www.peterborough.gov.uk/Council/planning-and-development/CILDeveloperContributionSPD.pdf?inline=true>

⁷³ Continued Use of Section 106 Obligations <http://ww1.swindon.gov.uk/ep/ep-planning/planningpolicy/communityinfrastructurelevyadopted/Pages/About%20CIL%20and%20How%20it%20Operates.aspx>

7. Case studies on consultation approaches adopted on the use of Section 106 funding

The following case studies are some examples of consultation approaches that had been adopted by various local authorities in relation to the use of Section 106 funding.

The first three case studies were summarised from the publication produced by the Town and Country Planning Association entitled a “A guide to effective Section 106 agreements & Statements of Community Involvement” published in July 2008.

The succeeding case studies are some examples of the use of a participatory approach in East Devon Council to determine the use of Section 106 funding.

7.1. London - King’s Cross Railway Lands Development⁷⁴

Background

The King’s Cross Railways Lands Development scheme is regarded as one of the largest regeneration projects in the UK. It covers land released by construction of the Channel Tunnel Rail Link into St Pancras. In existence were proposals to regenerate the site during the last twenty years. The developer Argent took over the development scheme and proposed to build offices, new homes (40% affordable), student accommodation, new retail, hotels, and leisure, health and community facilities in this area.

There was a very active community campaign led by the campaign led by the campaign led by the Kings Cross Railway Lands Group (KXRLG) umbrella organisation. This organisation led the campaign, challenged and informed the planning process, and had sought to ensure that the scheme meets the needs of local people and the voluntary and community sector more effectively. This group also and became the vehicle for much of the negotiation and engagement with the

⁷⁴ http://www.tcpa.org.uk/data/files/planning_community_needs_website_version.pdf p10

developer. Following extensive consultation and design development, the developer had evolved a masterplan (Argent masterplan) for the area for the area which included the production of the Design and Development Brief.

In 2006, the Council granted consent subject to completion of a Section 106 agreement.

Community Engagement

Extensive engagement took place between Argent, the community and statutory authorities for over 3 years. The nature of the consultation was broadly seen as innovative and appealing to a wide audience with emphasis on children, schools and communities. Methods included:

- Vox pops (street interviews)
- Schools workshops
- Discussions via local radio
- An open ended 'Fluid Design' process using cartoon imagery was adopted.

This approach was adopted to overcome the difficulties of articulating to the community a masterplan that became progressively more detailed at each stage. The developers also recognised that understanding the principle of Reserved Matters was a particular challenge for non-planners. The engagement with community groups enabled the developers to hear key messages regarding their views on safety against crime; maintenance of a clean environment and generation of new jobs.

Argent also felt that politicians needed to engage better with the developer during the pre-application process.

KXRLG believed that a key limitation of the engagement process was the Councillors often did not have the technical ability to participate meaningfully, and sometimes felt that there would be a conflict of interest in relation to their independence at decision making time. The local organisation KXRLG also held the view that local government politics is now prone to too much top down control, with dominance of the Council leadership over development committees and local ward Councillors' representation of their constituents.

The developer Argent had difficulty in engaging with the community and community groups (including businesses), particularly because of their lack of awareness and capacity to engage. They were disappointed not to see a Local Strategic Partnership formed to cover the area as they felt that this would have provided a more coherent and accountable structure for engagement with all stakeholders.

As part of the local authority's engagement process for this development, the Council had undertaken dialogue with about 100 such groups over the course of the planning process. The Council aimed to broaden engagement in the planning process to be able to reach out to a constituency of about 30,000 people, instead of dealing solely with KXRLG which they believed were a self-appointed and non-representative group.

Community Benefits

As a result of the consent for this development, the community were able to accrue social 'benefits' including affordable housing (approximately 40% of the total) and a combined University of Arts, Local Employment Training Centre, Primary Care Trust (PCT) Walk-In Centre, Old Persons Home and Sports/Leisure Centre. Much benefit is not quantifiable (e.g. the location of a Police Station in the centre of site through the design process to encourage visibility of 'police on the streets' and access to them; a Joiners Pack for new tenants promoting use of local businesses; and changes to housing space standards for extended family occupancies).

Despite the opportunities that were made available for engagement with the community and organised groups, KXRLG expressed significant dissatisfaction with the negotiation process for conditions to be attached to the planning consent. They felt that they were excluded from the negotiation. They believed that the Section 106 agreement was not consulted on at all, and agreed 'behind closed doors'. KXRLG's believe that the final Section 106 agreement should be subject to democratic sign-off, to ensure the benefits negotiated by officers meet the needs identified by the community.

A key concern raised by KXRLG was the lack of transparency from the Council in relation to the timescales that were involved in the submission of the revised plan and when decision was made on the revised plan. KXRLG believe that the duration of four days notice of this change prior to decision making, have left third parties very little time to consider them properly. Consequently, the

organisation believes that the revised plans led to a significant reduction in office floor space standards, reducing the quality of jobs within the project.

KXRLG produced their own community plan for the site. They believe that their 'Planning for Real' exercises effectively engaged wide Sections of the community, creating 'normal' tensions with the developer, as part of the negotiating process. They believe that developers are generally amenable to open negotiation over stringent Section 106 terms in return for certainty, but that Argent were never stretched on this principle by the Council and "got away lightly". Despite the criticisms from the community organisations, the local authority, L.B. Camden prides itself on the delivery of an optimised scheme in terms of social benefits to the community, job generation, new homes, and including the time taken to deliver results. They point to the RTPI Planning Award secured for the scheme as giving some independent justification to this view.

Learning and Recommendations

According to the Town and Country Planning Association many community groups feel that affordable housing and many Section 106 issues should be funded through central taxation. These groups fear that the economic downturn will give developers like Argent scope to fail to deliver on their commitments, and that the community will bear the consequences. It's thought that a genuine openbook project accounting would allay many suspicions of the developer 'paying too much' or 'too little' for the grant of consent.

The case study also draw attention to an arrangement wherein the community organisation KXRLG advocated the appointment of a powerful Development Trust which served to interface with the developer and the Council during planning and construction and take over management and maintenance of communal assets of scheme when operational. It was believed that Transfer of community assets to such a development trust would allay fears in the community of unaccountable management and would relieve developers of ongoing management and maintenance obligations.

Due to the breakdown of trust between the Council and KXRLG as the umbrella community organisation, the developer and the community sector advocated a 'double devolution' principle, pushing influence over decision-making towards grass roots level through a tripartite partnership decision-making process involving the developer, Local Planning Authority (Camden) and community.

At that time, Argent and KXRLG felt that this arrangement would create greater community influence, and Argent felt it would formalise community engagement towards swifter decision making and more certain outcomes.

This was less popular with Camden Council due to the risk of ultimately ceding the powers and responsibilities of their elected Development Control Committee. Such tripartite agreements for decision making would not be deemed necessary if local Councillors and Development Control committees could be seen to represent their constituencies adequately. Third parties are always open to challenge on the basis of being unrepresentative

It was suggested that the balance between top down leadership control and grass roots representation and promotion of interests, needs constant monitoring to ensure one does not dominate the other. The mechanisms to achieve these are deemed difficult to define, often invisible and thus open to accusations of manipulation and being anti-democratic. The TCPA conclude that it ultimately depends on sound judgment of elected Councillors to do “the right thing for the right reasons” – judgment on which will rarely achieve consensus.

It was also suggested that technical and governance training and extensive support for Councillors in high profile development circumstances is needed to ensure they optimise community representation with delivering timely and effective decisions on major development schemes. They also believe that more facilitators trained in the planning process should be funded to work with community groups.

7.2. Salford - Lower Broughton Regeneration⁷⁵

Background

As part of the redevelopment of Lower Broughton, a development partnership with Countryside Properties was secured by the Council to regenerate the neighbourhood situated within the housing market renewal area.

In this particular case, there was no Section 106 agreement as Salford City Council own 90% of the site and therefore were not be able to sign a Section 106 agreement as both planning authority and landowner. However, the nature of the consultations and community engagement could easily be applicable to Section 106 projects, hence its inclusion as a case study in The Town and Country Planning Association's report.

Community Engagement

According to the report, the consultation intended to raise awareness of regeneration, build capacity around the masterplan and achieve positive and participative support. Countryside Properties designed and wrote the Lower Broughton Design Code SPD, in consultation with the City Council.

The statutory consultation undertaken on the document, was greatly informed by the capacity building work undertaken by consultants Kevin Murray Associates, who directed the early stage community engagement and consultation. Countryside Properties believe that the Consultation process that took place before the SPD was produced, was a positive process as in effect the community did "endorse the plans that had been produced because they all knew them".

The consultation utilised a wide range of techniques that were structured specifically to the profile of the community. In particular the following were deemed particularly innovative /effective:

- Listening Event 2004, introducing the process and the principle of regeneration and to receive feedback about peoples' likes, dislikes and aspirations for Lower Broughton.

⁷⁵ http://www.tcpa.org.uk/data/files/planning_community_needs_website_version.pdf p12

- Regular steering group meetings later known as the Lower Broughton
- Regeneration Partnership (with opportunity for community leadership).
- Study Visits to Countryside sites including Peckham, Blackpool and Birmingham, to demonstrate what can be achieved.
- Community based Drop-in Centre opened one day a week Aug – Sept 2004
- Youth interviews Aug - Sept 2004
- Collaborative Design Event 5 days – Aug 2004
- Consultation Bus – toured for 10 months Aug 2005

Following on from the previous consultation work undertaken by Kevin Murray and Associates, further community consultation was undertaken in relation to phase 2 and 3 of the development. The consultants worked closely with the Lower Broughton Regeneration Partnership, undertaking informal meetings with stakeholders and topic based workshops, after which community feedback was provided. During this stage, the City Council's draft Statements of Community Involvement (SCI) requirements were given consideration and a further support SCI document produced.

The Council's Statement of Community Involvement (SCI⁷⁶) emerged late in the development process for Lower Broughton, and had little influence over the nature of engagement with the community and local voluntary sector organisations. However, the City Council commented that "Countryside far exceeded the requirements of the document".

Although it was recognised that the consultation process had many successes, Broughton Trust, had concerns that some groups have not been fully involved in the consultation process, in particular the parent and toddler group. It was reported that this was a source of anxiety this stakeholder group as "the current building that the group are using will disappear through the development process and at present they have no identifiable move on space". The Trust also believed that traders on the periphery of the development are equally not fully involved in the process. They state that the development process is long and actually engaging people over that length of time "just doesn't happen".

⁷⁶ Statements of Community Involvement are documents prepared by the Local Planning Authority which aim to set out how and when the LPA proposes to engage with the public when preparing Development Plans Documents and considering planning applications.

Community Benefits

The consultation process during the early stages resulted in the community identifying their “wish list” to be incorporated into the development. According to the developer this had formed the basis of a community benefits strategy which was used to identify priorities with the Council. Although some of the physical community infrastructure including community centre and indoor sports provision has not been delivered yet by the publication of this case study, this remained mandatory by virtue of the development agreement and outline planning consent.

The developer has also raised some concerns over the Council’s ability to negotiate positively on the behalf of the community. The example they cited relates to the requirement for a new library in Lower Broughton which was high on the community’s wish list. The developer stated that that the City Council has not required this facility, however they intended to provide a library outside of the planning system, and had stated that the library provision “it would have never come through Section.106 and yet it is high on the communities wish list”.

Learning Points

Some examples of good practice coming out of the project were:

- Developer commitment to early and continuous consultation, so that they identify and understand the needs of the community and local Voluntary and Community Sector (VCS) groups. This has allowed the community to appreciate their contribution to the masterplan.
- Appropriate consultation to the nature and scale of the community using a range of innovative methods, including provision to support community members where appropriate to lead forums and meetings.
- Developer support for both social and physical community infrastructure (coordinated by a full time officer funded by the developer in Lower Broughton).

The lessons that have been taken from the project are:

- It is necessary for Local Authority Planners to be aware of the needs and aspirations of their communities through proactive forward planning and engagement, and to negotiate positively with developers.
- Developers need to ensure that project specific consultation is continuous and inclusive so that momentum and the trust of the community are not lost. This is achieved with a committed and skilled professional team.
- It is necessary to identify all community and voluntary sector groups. If there is no representative community body the developer and Council should work together to build capacity in the community.
- It is necessary to provide positive feedback to the community.
- Honesty and accountability by all professionals is required at every stage of the planning process.
- It is necessary to coordinate consultation with development partners to avoid consultation fatigue (partner RSL's undertook their own consultations in Lower Broughton).

7.3. Solihull - Blythe Valley Park⁷⁷

Background

Blythe Valley Park Phase 2 was a greenfield development extension to an existing business park located in Shirley, Solihull. The site is situated within the Coventry, Solihull, Warwickshire High Technology corridor and helps serve the East Birmingham North Solihull regeneration Zone. It has a total area of 267 acres and will include 13 office buildings totalling approximately 600,000 square ft. in phase 1 and it was also reported that the second phase of the development will provide 800,000 of employment space. The site includes 122 acre Countryside Park, private gym and nursery facilities.

⁷⁷ http://www.tcpa.org.uk/data/files/planning_community_needs_website_version.pdf p14

Community Engagement

With the intention of informing community and local stakeholders of the emerging proposals from an early stage, public consultation was undertaken as part of the preparation for the outline planning application. This was intended as an opportunity for them to influence the master planning process. Local residents, community organisations, existing employees and Councillors engaged in the consultation stage which had involved:

- Negotiations with the Council prior to the submission of the outline planning application. A development team for Phase 2 was established consisting of Council Officers and members of the development team.
- An initial presentation of the proposals was given to the Blythe Valley Working Party
- Following revisions to the masterplan the scheme was presented to the public at a two week exhibition, which provided an opportunity for people to comment on the scheme. Seminar sessions were held during this time with invited stakeholders. A total of 64 people attended the exhibition and briefing sessions.
- A newsletter was circulated widely and distributed to local residents, community groups, existing tenants and Council members.

During submission of the outline planning application, a supporting consultation statement was submitted stating that the response to the proposals was very encouraging with substantial support for the scheme. Included in the submission was a summary of the developer's response to consultation comments, most of which related to environmental and landscaping matters.

A key driver to the developer's (British Land) approach was the company's strong commitment to pre-application community consultation whose, the detail and structure is led by their comprehensive in-house sustainability manual that is used to inform the development process. It is reported that this document covers the full range of sustainability matters from design to construction, including stakeholder relations and community engagement. British Land highlighted that "it is usual for the company to spend upwards of £4 million on pre-application consultation and the company takes a long term view in most cases". British Land also encourages staff to "get out and get involved" with communities seeking to support relevant organisations where possible.

Community Benefits

Via the Section 106 agreement a number of community benefits were negotiated and secured alongside the outline planning application. The planning authority granted the outline permission subject to the completion of the Section 106 agreement.

The benefits secured are as follows:

- The procurement of new bus services subject to stage of development
- The provision of business investment contributions totalling £250,000, payable to the Council over a 10 year period. This money will be used to support Council officers in developing, marketing and promoting business liaison activity to secure additional investment and jobs.

Learning and Recommendations

The following recommendations have been inferred from the lessons learned on the consultation and delivery of this project:

- Consultation should be appropriate to the nature and scale of development.
- Developer commitment to early engagement with community groups, planners and Councillors, to identify community needs helps to ensure better development and public acceptance.
- Negotiations are smoother where the planning authority is supportive of the application and / or are part of the development team.
- Negotiation of Section 106 agreement should take place prior to and alongside the determination of the planning application, to ensure that implementation of planning permission is not delayed.

7.4. Participatory budgeting approach in using Section 106 funding⁷⁸

East Devon Council had adopted the **Participatory Budgeting** approach in determining the use of Section 106 funding. Specifically Participatory Budgeting (PB) has been defined as a process of democratic decision-making, in which residents become involved in deciding how to allocate part of a public budget. It allows the residents of an area to participate in allocating part of the local Council's or other statutory agency's budget. Its aim is to make local government more accountable and transparent and to encourage understanding of its affairs amongst local people. It also creates social inclusion by encouraging involvement from all parts of the community. The process involves engaging residents and community groups from across the community and giving them the opportunity to discuss spending priorities, make spending proposals, and vote on these.

According to a case study presented to the Participatory Budgeting Unit the use of the participatory budgeting approach has so far demonstrated to be successful in five projects distributing a total in excess of £200,000 of Section 106 funds.

Some examples of specific projects reported in May 2015 by East Devon Council, where the Participatory Budgeting approach has been used are presented as follows:

7.4.1. **Budleigh Salterton: Sport**

A major consultation exercise took place to spend £35,000 of Section 106 money on sport in Budleigh Salterton. Five eligible, affordable and possible projects were put forward by the community

To ensure the age profile of the town's residents was fully represented, a number of engagement events and activities took place. Officers and town Councillors had a voting stall at the very well attended Budleigh Salterton Gala, residents were asked to vote for the projects they most wanted to see in the town.

Budleigh Salterton town clerk visited the library and a coffee morning to encourage more people aged over 60 to vote, as they weren't adequately represented.

⁷⁸ http://www.swcouncils.gov.uk/media/RIEP/Stronger%20Communities/PB_Case_Study_Final_Version.pdf

A total of 308 people had voted on the projects by the end of the consultation identifying the desired or most popular projects i.e. £15,000 outdoor gym and the widening of the path across the Green and turning one side of it into a cycle path at a cost of £20,000.

Budleigh Salterton Town Council, East Devon District Council and the proposers of the projects have worked hard to make the projects happen. The design for the outdoor gym was chosen by the community at a Christmas late night shopping event in the town and had now been installed on The Green and near Lime Kiln car park. At the time of reporting of these case studies, they are still working on widening the footpath.

7.4.2. Exmouth: sports

In 2011, East Devon District Council and Exmouth Town Council asked community groups, residents and other organisations to put forward their ideas as to how £150,000 of the sports funding accumulated from recent Exmouth housing developments (Section 106 money) should be spent. Devon and Cornwall Police covering the Littleham area proposed the idea of a multi-use games area in Littleham.

The residents voted on 18 eligible, affordable and possible ideas at the Exmouth Festival and Kite Festival on which ones they wanted to happen in Exmouth.

Exmouth Town Council group and East Devon District Council worked together to deliver what residents voted for. The following have already happened through this project and were already in place for residents to use:

- the outdoor gym equipment in Phear Park and on the seafront (£25,000)
- the multi-use games area and refurbished tennis courts in Phear Park (£50,000 towards the £200,000 project)
- making Exmouth skate park larger and re-designing it with new ramps (£60,000)
- outdoor showers on the seafront (£15,000)

When more money became available at the end of 2013, Exmouth Town Council decided to keep working down the residents' priority list and fund the multi-use games area in Littleham in Exmouth.

Local children and parents came along to East Devon District Council's community festival in The Crescent in Littleham, Exmouth in May 2014. As part of the day the new £40,000 outdoor multi-use games area with lines and goals for netball, basketball and football was officially opened.

7.4.3. Woodbury: play

Early November 2013 saw the official opening of the re-vamped Woodbury Village Green play area for children aged under eight years. A total of £17,500 was contributed by Section 106 money and Woodbury Parish Council decided to add £7,500 to make the facilities bigger and better.

Woodbury Parish Council and East Devon District Council started off their consultation by going into Woodbury Primary School and Woodbury Pre-school and found out that children under the age of eight wanted swinging, climbing and spinning activities. These specifications were sent off to several play companies along with the budget.

All 177 children at Woodbury Church of England Primary School and Woodbury Pre-School voted for which of the three designs they wanted in their play area. The winning design received 55 per cent of the votes and included a basket swing, climbing frame and a spinning item.

7.4.4. Payhembury: play

Much anticipated improvements to Payhembury's play area are now complete after improvements chosen by local children were installed.

Payhembury Playing Field Committee and East Devon District Council worked closely with Payhembury Primary School to spend £6,700 of Section 106 money on improvements.

To find out what activities the children wanted East Devon District Council visited Payhembury Primary School and Payhembury Playing Field Committee visited the youth club. The designs that the children chose from were provided by companies who followed the children's design brief for the area.

Children had a choice of four designs and voted for their favourite in a special assembly at Payhembury Primary School. Of the 66 children who voted, 38% chose the winning design which included a climbing wall, climbing net and a spinning item.

The following case studies are also some examples of the use of the participatory budgeting approach that had been cited by the Public Budgeting Organisation:

7.4.5. Budleigh Salterton, Children's Activities

With a new housing development in Budleigh Salterton, £30,000 from developers was available to spend on a new play area. Working with residents, officers found out they wanted the play area to be made of natural materials in natural colours. By talking to local schoolchildren officers also identified the sort of activities children wanted for play area, such as climbing. This feedback was included in tender documentation sent to play companies. Three of the designs that came back from the companies met all the requirements. The District Council organised a play event and invited all the residents in the development to participate. As part of the event, adult and children residents voted on which of the three play area designs they wanted. The winning play area received over half of the votes and is now being installed.

7.4.6. Axminster, Community Projects

There was £100,00 of Section 106 money to spend on play and recreation in Axminster. Axminster Town Council asked local community groups to submit proposals on how they would like the money to be spent. The proposals were looked at for technical details by the Section 106 officer. The Town Council wrote a questionnaire asking residents to prioritise the projects and placed it in the local newspaper for people to fill in and send back. To gain a wider range of views, the District Council organised and ran a face to face voting event with local residents by taking over a market stall at one of the town's market days. A total of 227 people voted on the projects, and the Council are now working, to make them happen.

<http://www.bolton.gov.uk/sites/DocumentCentre/Documents/Non%20residential%20development%20viability%20study%20addendum%20report.pdf>

Bolton Council - Freedom of Information Request

https://www.whatdotheyknow.com/request/payments_under_section_106_agree_18

Bournemouth Borough Council CIL Examiners Report (October 2015)

<http://www.bournemouth.gov.uk/PlanningBuilding/PlanningPolicy/PlanningPolicyFiles/CILAdoption/appendix-1-cil-examiners-report.pdf>

Bournemouth Borough Council Community Infrastructure Levy Draft Charging Schedule 2015

<http://www.bournemouth.gov.uk/PlanningBuilding/PlanningPolicy/PlanningPolicyFiles/CILSubmissionApril2015/Bmth-CIL-Draft-Charging-Schedule-April-2015.pdf>

Bournemouth Borough Council – Economic Viability Final Report

<http://www.bournemouth.gov.uk/PlanningBuilding/PlanningPolicy/PlanningPolicyFiles/CILconsultation2015/CIL-20140710Bournemouth-CIL---Economic-Viability-Final-Report.pdf>

Bridgend Borough Council – Freedom of Information Request

https://www.whatdotheyknow.com/request/payments_under_section_106_agree_346

Bristol City Council Community Infrastructure Levy Charging Schedule 2012

<https://www.bristol.gov.uk/documents/20182/33588/CIL%20Charging%20Schedule.pdf/2f70e1ce-1c68-41c7-a8ca-a77724926d4f>

Bristol City Council Planning Officer and CIL Examiner's Report (July 2012)

<https://www.bristol.gov.uk/documents/20182/239200/Bristol%20CIL%20Report.pdf/3ef1925f-14f7-405b-903d-84cda4609931>

Caerphilly County Borough Council Community Infrastructure Levy Charging Schedule 2014

http://www.caerphilly.gov.uk/CaerphillyDocs/Planning/Charging_Schedule.aspx

Caerphilly County Borough Council CIL Examiners Report (February 2014)

http://offlinehbpl.hbpl.co.uk/NewsAttachments/RLP/Caerphilly_CIL_Inspectors_Report.pdf

Caerphilly County Borough Council - Freedom of Information Request

https://www.whatdotheyknow.com/request/payments_under_section_106_agree_347

Caerphilly County Borough Council - Regulation 123 List of Infrastructure

http://www.caerphilly.gov.uk/CaerphillyDocs/Planning/Regulation_123_List_replacement_Aug2015.aspx

Caerphilly County Borough Council – Supplementary Planning Guidance: Affordable Housing Obligations

<http://www.caerphilly.gov.uk/CaerphillyDocs/Planning/LDP1-Affordable-Housing-Obligations.aspx>

Cambridge City Council Community Infrastructure Levy March 2013

<https://www.cambridge.gov.uk/public/ldf/CIL/PDCS%20Print%20version.pdf>

Cambridge City Council CIL Supporting Information Summary (March 2014)

<https://www.cambridge.gov.uk/public/ldf/CIL/Examination/CIL020%20-%20Draft%20CIL%20Charging%20Schedule%20-%20Supporting%20Information%20Summary.pdf>

Cambridge City Council – S106 contributions and spending by ward

<https://www.cambridge.gov.uk/sites/default/files/documents/150313%20overview%20of%20S106%20contributions%20and%20spending%20by%20ward%20in%202010-2014.pdf>

Centre for Cities ‘Cities Outlook 2015’ <http://www.centreforcities.org/wp-content/uploads/2015/01/Cities-Outlook-2015-Change-in-jobs-04-13.pdf>

City of Cardiff Council Community Infrastructure Levy Preliminary Draft Charging Schedule 2014

<https://www.cardiff.gov.uk/ENG/resident/Planning/CIL/Stage1/Documents/CIL-102%2c%20PDCS%20Document%20%28V2.0%2c%2028th%20October%202014%29.pdf>

Department for Communities and Local Government – Section 106 Planning Obligations in England, 2011-12

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/314066/Section_106_Planning_Obligations_in_England_2011-12_-_Report_of_study.pdf

Gloucester City Council Community Infrastructure Levy Preliminary Draft Charging Schedule May 2015

<http://www.gct-jcs.org/Documents/CIL/PDCS-Gloucester-Final-19052015.pdf>

Gloucester City Council – Section 106 Reports

<http://democracy.gloucester.gov.uk/documents/s32725/S106%20Report%202014-2015.pdf>

Hometrack, ‘UK Cities House Price Index’ <https://www.hometrack.com/uk/insight/uk-cities-house-price-index/>

Ipswich Borough Council Preliminary Draft Charging Schedule (Community Infrastructure Levy) December 2013

<https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/Ipswich%20Preliminary%20Draft%20Charging%20Schedule.pdf>

Ipswich Borough Council CIL Viability Study (November 2013)

https://www.ipswich.gov.uk/sites/default/files/Ipswich_CIL_Viability_Study.pdf

Leeds City Council CIL Examiners Report (September 2014)

<http://www.leeds.gov.uk/docs/Leeds%20CIL%20Final%20Report%20050914.pdf>

Leeds City Council Community Infrastructure Levy Leeds Local Development Framework 2015

http://www.leeds.gov.uk/docs/CIL_Adopted%20Charging%20Schedule%20April.pdf

Leeds City Council – Draft Charging Schedule

<http://www.leeds.gov.uk/docs/CD1-10%20Justification%20Papers%20-%20Preliminary%20Draft%20Charging%20Schedule%20-%20March%202013.pdf>

Leicester City Council Community Infrastructure Levy Draft Charging Schedule and Supporting Information Document February 2015

<http://www.leicester.gov.uk/media/179811/cil-draft-charging-schedule-and-supporting-information-document-february-2015.pdf>

Leicester City Council CIL Viability Study (January 2013)

<http://www.rutland.gov.uk/pdf/CIL%20031%20Leicestershire%20and%20Rutland%20CIL%20Viability%20Study%201%202013.pdf>

Leicester City Council – Preliminary Draft Schedule Consultation

<http://www.leicester.gov.uk/media/177560/cil-preliminary-draft-schedule-consultation-may-2014.pdf>

Manchester City Council- Section 106 Annual Monitoring Reports

http://www.manchester.gov.uk/download/meetings/id/18606/6_s106_annual_monitoring_report

Merthyr Tydfil County Borough Council CIL Draft Charging Schedule

<http://www.merthyr.gov.uk/media/1205/charging-schedule-june-2014.pdf>

Merthyr Tydfil County Borough Council CIL Examiners Report (February 2014)

<http://www.merthyr.gov.uk/media/1226/merthyr-tydfil-cbc-cil-examination-report.pdf>

Merthyr Tydfil County Borough Council - Draft regulation 123 List of Infrastructure

<http://www.merthyr.gov.uk/media/1208/mctcbc-reg-123-list-of-infrastructure.pdf>

Merthyr Tydfil County Borough Council – Supplementary Planning Guidance Note No. 2 Planning Obligations

<http://www.merthyr.gov.uk/media/1211/spg-2-planning-obligations.pdf>

Monmouthshire County Council Community Infrastructure Levy Preliminary Draft Charging Schedule and Draft Regulation 123 List 2014

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/PDCS-Draft-05.02.15.pdf>

Monmouthshire CIL Viability Assessment (September 2015)

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Monmouthshire-CIL-Viability-Final-Report-July-2014.pdf>

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9. APPENDICES

Job Growth Comparators

Authority	Change in Jobs 2004-2013	Change in Jobs 2004-2013 (%)
Bolton	4,100	4%
Hastings	1,100	4%
Peterborough	3,600	4%
Plymouth	4,100	4%
Telford	3,300	4%
Blackburn	2,000	3%
Cardiff	6,100	3%
Leicester	6,200	3%
Worthing	1,400	3%
Birmingham	23,400	2%
Bristol	6,500	2%
Glasgow	13,000	2%
Liverpool	5,300	2%
Southampton	2,900	2%

Housing Comparators

Authority	Change in Housing Stock (£)	% Change
Swindon	12,030	15
Cardiff	15,740	12
Gloucester	5,640	12
Peterborough	8,130	12
Ipswich	6,480	12
Cambridge	4,710	11
Bristol	26,920	10
Warrington	8,150	10
Barnsley	8,350	9

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