

Solihull MBC
Community Infrastructure Levy
Draft Charging Schedule Consultation

Summary of Representations

April 2014

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Overall	Q1. Do you believe that the Council has complied with the requirements set out in Part 11 of the Planning Act 2008 and the Community Infrastructure Regulations (2010) as amended? If not, why not?
1	Graham Nicholson	Planning Officer	Inland Waterways Assoc, Warks Branch				Support	Yes
4	John Short	Chief Executive	Birmingham and Solihull Mental NHS Foundation Trust				Letter due	Letter due
5			Asda	Nicola Gooch		Thomas Eggar LLP	Object	The Viability Study does not make sufficient allowances for site-specific s.106 or s.278 contributions. As such, the Council has failed to comply with its obligation under Regulation 14(2). A wide ranging set of amendments to the CIL Regulations will shortly pass into law. It may therefore be sensible to consider delaying progressing the Charging Schedule further until the draft Regulations have been made public.
9	Richard Goodwin	Rural Surveyor	Country Land & Business Association (Midlands)				Object	No comment
11	Hayley Anderson	Planning Obligations Officer	Birmingham City Council				Comment	No comment
12	Peter Frampton		Framptons				Object	See response to Q5.
13			WM Morrisons Supermarkets Plc	Kate Tinsley	Senior Planner	Peacock and Smith	Object	No.
14	Chris Noble	Chairman	Cheswick Green Parish Council				Support	No comment
16	Trevor Eames	Secretary	Solihull Ratepayers Assoc				Object	No comments
17			West Midlands Police	Gail Collins	Senior Consultant Planner	Tyler Parkes	Object	No comment

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Overall	Q1. Do you believe that the Council has complied with the requirements set out in Part 11 of the Planning Act 2008 and the Community Infrastructure Regulations (2010) as amended? If not, why not?
20			McCarthy & Stone Retirement Lifestyles Ltd & Churchill Retirement Ltd.	<i>Ziyad Thomas</i>	<i>Policy Planner</i>	<i>The Planning Bureau Ltd</i>	Object	The Viability evidence shows that sheltered/retirement homes would not be able to be policy-compliant with regards to affordable housing and paying CIL. The DCS is therefore contrary to the CIL Regulations and CIL Guidance of December 2012 (Para. 29). Examiner's Reports for both Mid-Devon and Greater Norwich Partnership reduced the CIL liability for residential development due to serious risk to affordable housing provision. It is clear from the Regulations that Charging Schedules can differentiate between specialist forms of development. Nick Boles MP, Planning Minister, highlighted the importance of differentiating between retirement housing and general needs homes where viability is an issue in response (dated 03 June 2013) to a letter from the Retirement Housing Group. Para. 37 of the CIL guidance states that 'charging schedules should not impact disproportionately on particular sectors or specialist forms of development and charging authorities should consider views of developers from an early stage.' The CIL guidance clearly stresses the importance of this principle to individual market sectors that play an important role in meeting housing need, housing supply and the delivery of the Development Plan, such as specialist accommodation for the elderly. Our previous representation detailed the importance of ensuring provision of specialist accommodation of the elderly, and its role in meeting housing needs is included in the Solihull Local Plan, e.g. Policy P4.
21	Piotr Behnke	Land Use Operations Team	Natural England				Comment	No comment
22	Katherine Burnett	Area Planner	Canal and Rivers Trust				Comment	No comment
26			Bloor Homes	<i>Chris May</i>	<i>Director</i>	<i>Pegasus Planning Group</i>	Object	No comment
27	Fergus Thomas	Senior Planning Manager	Catesby Property Group				Object	No. Do not consider the Council has provided a justification on the appropriate balance between funding infrastructure and the effect on economic viability.
28	Martin Robeson		Martin Robeson Planning Practice				Object	No. The approach is not balanced. It is designed to generate the vast majority of funding from 'Rural Area' residential schemes and out of centre retail development to fund infrastructure in the North Solihull Regeneration Area. Whilst CIL should contribute towards the implementation of the Local Plan, it must also provide support for infrastructure across the whole of the Council's area and mitigate the wider effects of development across the whole area. Our review of the Infrastructure Delivery Plan and differentials in the proposed Charging Schedule appear to demonstrate that there is not an equitable balance in terms of the requirements of Regulation 14.
29			Sainsbury's Supermarkets	<i>Damien Holdstock</i>	<i>Planner</i>	<i>Turley Associates</i>	Object	No. See response to Q.2.
30			West Midlands HARP Planning Consortium	<i>Christopher Burton</i>		<i>Tetlow King Planning</i>	Object	The charge on Older People's housing would be contrary to Para. 37 of the CIL guidance, as it would impact disproportionately on a particular sector/specialist form of development. Concerned that no real case studies are included in the CIL testing range, contrary to Para. 27 of CIL guidance: "a charging authority should sample directly an appropriate range of types of sites across its area in order to supplement existing data."

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Overall	Q1. Do you believe that the Council has complied with the requirements set out in Part 11 of the Planning Act 2008 and the Community Infrastructure Regulations (2010) as amended? If not, why not?
31	Richard Campbell-Kelly	Property and Insurance Manager	NEC Group				Comment	No comment
33	Matthew Taylor	Asset Manager	Highways Agency				Comment	No comment
36	Nicki Farenden	Lands Administration Assistant	British Pipeline Agency - Lands				No Comment	No comment
37	Wendy Reeve						Comment	Yes
38	Jill Stephenson	Town Planning Manager LNW	Network Rail				Comment	No comment
39			LendLease Retail Partnership	Nicholas Alston	Director	GVA Grimley	Object	No comment
40	Michael Brereton	Planning, Monitoring and Delivery Officer	Walsall MBC				No comment	No comments to be made at this time.
41	Nicole Penfold	Planner	Gladman				Object	No comment.
42	Andrew Marston		Knowle Society				Object	Yes
43			Banner Homes	Chris May	Director	Pegasus Planning Group	Object	No comment

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Q2. Do you believe the Council's draft charging schedule is supported by background documents containing appropriate available evidence? If not, what additional evidence do you believe is necessary?
1	Graham Nicholson	Planning Officer	Inland Waterways Assoc, Warks Branch				Yes
4	John Short	Chief Executive	Birmingham and Solihull Mental NHS Foundation Trust				Letter due
5			Asda	Nicola Gooch		Thomas Eggar LLP	<p>The Viability Study does not make sufficient allowances for site-specific s.106 or s.278 contributions. The Council's modelling of supermarket developments should have considered the level of these contributions which developers may still be liable to pay. As such, the Council has failed to comply with its obligation under Regulation 14(2).</p> <p>It is insufficient for the addendum report to assume that these costs will be covered by the contingency. This is particularly true given the content of the Council's draft Regulation 123 list.</p> <p>There will be EU State Aid issues arising out of setting of differential rates for different types of commercial entity within the same use class, as it confers selective advantage on certain retailers depending on the size of the shop they operate out of.</p> <p>Para. 2.5 states that CIL would become the main source of developer contributions towards infrastructure beyond the immediate needs of the development site. It has also been assumed that s.106 contributions will be significantly scaled back after CIL has been adopted; in light of the draft Regulation 123 list we contend that this assumption is likely to prove false.</p> <p>As any major junction improvements will need to be funded through s.106/s.278 agreements once CIL is in place, this will carry a significant infrastructure cost which would need to be borne in addition to the Levy.</p> <p>Although the Council will not be able to pool s.106 contributions once CIL is adopted, the types of commonly pooled contributions tend not to affect larger commercial schemes.</p> <p>Taking the example of site 42, this 9,755 sqm store with build costs of just under £10M would be expected to pay a CIL of £2,926,500.</p> <p>The 5% contingency allowance on build costs equates to a budget of just under £0.5M. Other examples are:</p> <p>1) ca. 6,700 sqm food store in East Sussex - S.106 contributions were over £1.3M.</p> <p>2) ca. 3,000 sqm food store in Herts – S.106 contributions were almost £0.9M.</p> <p>Therefore Council has significantly underestimated the impact of CIL on the viability of such developments and request that the underlying viability evidence be revised accordingly.</p>
9	Richard Goodwin	Rural Surveyor	Country Land & Business Association (Midlands)				No comment
11	Hayley Anderson	Planning Obligations Officer	Birmingham City Council				No comment
12	Peter Frampton		Framptons				See response to Q5.

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Q2. Do you believe the Council's draft charging schedule is supported by background documents containing appropriate available evidence? If not, what additional evidence do you believe is necessary?
13			WM Morrisons Supermarkets Plc	<i>Kate Tinsley</i>	<i>Senior Planner</i>	<i>Peacock and Smith</i>	No. CBRE have not published their appraisals, and not all of the appraisal assumptions have been made explicit. Therefore we cannot comment on the CIL rate other than to say that at £300 psm this is one of the highest proposed rates in the country. Make the following comments: Planning Advisory Service best practice advises against a black box appraisal model in viability studies. Request that CBRE residual appraisals are made available as part of the consultation. CBRE not quoted what the EUV or BSV are for comment - the Threshold Land Value assumptions should be made explicit based upon market evidence wherever possible Typical site specific S106 costs are £0.5M plus a similar amount for S278 costs. The yield assumptions (5% for foodstore) are below that quoted in Table 2.1 (5.8%). Profit should be a minimum of 20% - and therefore increased Are professional fees 10 or 15%? CIL should not be set at the margins of viability - and there are various minor issues with the assumptions that combined together could have a significant impact on viability.
14	Chris Noble	Chairman	Cheswick Green Parish Council				Yes
16	Trevor Eames	Secretary	Solihull Ratepayers Assoc				Disappointed that Council has failed to respond comprehensively to issues raised in the PDCS consultation and the Draft Charging Schedule is virtually unchanged. Council has produced no conclusive evidence that its interpretation of its initial assessment is more accurate than those being raised by those with considerably more practical expertise in the marketing, development and operations of a wide range of property related interests in the private market sector. From the August 2013 Schedule of Representations the council evidence appears selective rather than comprehensive. Given the ageing population we are particularly concerned over the CIL levy on provision of accommodation for the elderly when taken together with the additional affordable homes levy we believe will increase new unit prices significantly and deter the release of family homes into the market for younger families as more elderly residents simply stay put. This is of even more concern as a deterrent to making appropriate new provision in more rural villages plus for example Knowle, Dorridge and Balsall Common where elderly residents wish to remain within their existing communities with released capital will find themselves priced out and elderly accommodation will fail to meet the requirements set out in the local plan.
17			West Midlands Police	<i>Gail Collins</i>	<i>Senior Consultant Planner</i>	<i>Tyler Parkes</i>	No comment
20			McCarthy & Stone Retirement Lifestyles Ltd & Churchill Retirement Ltd.	<i>Ziyad Thomas</i>	<i>Policy Planner</i>	<i>The Planning Bureau Ltd</i>	We welcome that the Council provided further viability analysis of sheltered apartments in C3 Use Class as part of their updated Viability Study (August 2013). Overall we agree with the approach taken by CBRE in the Site 40 assessment and accept the results with minor reservations. Do not understand why sheltered housing has been included in the general residential rate in Mature Suburbs of £75 psm when Site 40 is clearly unable to support a CIL charge (Para. 6.8). Continuing to amalgamate sheltered housing with the C3 Use Class rate would render this form of development unviable outside of Rural areas and be contrary to the appropriate available evidence.

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21	Piotr Behnke	Land Use Operations Team	Natural England				No comment
22	Katherine Burnett	Area Planner	Canal and Rivers Trust				No comment
26			Bloor Homes	Chris May	Director	Pegasus Planning Group	Para. 4.19 of the CBRE Viability Study states that a contribution of £1000 per unit for site specific requirements has been assumed on residential developments. Whilst recognising that actual S106 contributions will vary from site to site, an assumption of £1000 per unit is significantly lower than e.g. the contributions required for secondary school places and public open space/recreational facilities on a per unit basis. The assumptions and analysis are therefore flawed as to the potential S106 contributions after the adoption of CIL to include significant infrastructure requirements.
27	Fergus Thomas	Senior Planning Manager	Catesby Property Group				No. Limited information available from the Council upon which to undertake and appraisal or provide a detailed response. The rural rate of £150psm is highest residential rate in Solihull. No justification for assumption of high level of flats in locations Site 6, 7 and 8. Would appear contrary to the 'market' for these sites. Not justified why Site 7 has approx. half the value psm of Sites 6 and 8. No detailed working of the viability assessments for each site - upper rural rates have been appraised as £800psm, this seems exceptionally high and it is important the Council provides transparent evidence. Proposed charges higher than any other set or proposed in the West Midlands.
28	Martin Robeson		Martin Robeson Planning Practice				No. There is inadequate evidence of the economic viability of the diverse range and locations within which retail development could occur. Such development is highly sensitive to locational factors that are not effectively categorised by the areas proposed. There are also very widely different ranges of goods that will be permitted from wholly open A1 through very restricted bulky goods consents to garden centres and indoor and other markets. This diversity has very significant effects on rental values, yields and thus land values. Considerably more evidence from a wider range of retail development scenarios are therefore required to make the Schedule sound.
29			Sainsbury's Supermarkets	Damien Holdstock	Planner	Turley Associates	Welcome clarity provided within DCS that 550sqm threshold relates to Gross Internal Area. Agree that it is possible for a size threshold to differentiate between different types of retailing, but only where it reliably marks out the difference in use and there is clear evidence of different viability above and below that threshold. Council still needs to demonstrate that: 1) a distinction can be made between convenience and 'all other retail' 2) a distinction exists above and below 550sqm for convenience retail. Our opinion that this has not been done, lack of fine grained sampling, considered unlikely that there is a material difference in the viability of stores either side of the 550sqm threshold. Proposed CIL charges are not properly justified and fall outside scope of Regulations.
30			West Midlands HARP Planning Consortium	Christopher Burton		Tetlow King Planning	Concerned that no real case studies are included in the CIL testing range. Sound practice is to work out costs beyond a notional understanding. If these sites are not accurately assessed by the Council then it may be unable to deliver the infrastructure needed and/or affordable housing targets negotiated down. Unacceptable and avoidable. We expect the Council to test a variety of affordable housing scenarios to gauge their effect on the development viability across different sites.

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Q2. Do you believe the Council's draft charging schedule is supported by background documents containing appropriate available evidence? If not, what additional evidence do you believe is necessary?
31	Richard Campbell-Kelly	Property and Insurance Manager	NEC Group				No comment
33	Matthew Taylor	Asset Manager	Highways Agency				No comment
36	Nicki Farenden	Lands Administration Assistant	British Pipeline Agency - Lands				No comment
37	Wendy Reeve						Yes
38	Jill Stephenson	Town Planning Manager LNW	Network Rail				No comment
39			LendLease Retail Partnership	Nicholas Alston	Director	GVA Grimley	No comment
40	Michael Brereton	Planning, Monitoring and Delivery Officer	Walsall MBC				No comment
41	Nicole Penfold	Planner	Gladman				The Council needs to ensure that they have a full understanding of the potential costs of infrastructure projects needed to meet the infrastructure needs.
42	Andrew Marston		Knowle Society				Yes
43			Banner Homes	Chris May	Director	Pegasus Planning Group	Para. 4.19 of the CBRE Viability Study states that a contribution of £1000 per unit for site specific requirements has been assumed on residential developments. Whilst recognising that actual S106 contributions will vary from site to site, an assumption of £1000 per unit is significantly lower than e.g. the contributions required for secondary school places and public open space/recreational facilities on a per unit basis. The assumptions and analysis are therefore flawed as to the potential S106 contributions after the adoption of CIL to include significant infrastructure requirements.

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Q3. Do you believe that the proposed rates are informed by and consistent with, the evidence on economic viability across the Borough? If not, why not?
1	Graham Nicholson	Planning Officer	Inland Waterways Assoc, Warks Branch				Yes
4	John Short	Chief Executive	Birmingham and Solihull Mental NHS Foundation Trust				Letter due
5			Asda	Nicola Gooch		Thomas Eggar LLP	The Council has significantly underestimated the impact of CIL on the viability of such developments and request that the underlying viability evidence be revised accordingly.
9	Richard Goodwin	Rural Surveyor	Country Land & Business Association (Midlands)				No comment
11	Hayley Anderson	Planning Obligations Officer	Birmingham City Council				No comment
12	Peter Frampton		Framptons				See response to Q5.
13			WM Morrisons Supermarkets Plc	Kate Tinsley	Senior Planner	Peacock and Smith	No.
14	Chris Noble	Chairman	Cheswick Green Parish Council				Yes
16	Trevor Eames	Secretary	Solihull Ratepayers Assoc				<p>We maintain our view that the zones for residential assessments are arbitrary and fail to take into account the wide differences in viability of new residential development within the mature suburbs, town centres and especially rural areas.</p> <p>We believe this will lead to undesirable development distorted by the CIL cost rather than character of the area and needs of the local plan objectives in terms of size and location together with leading to escalation in house prices.</p> <p>The proposed housing levy in rural areas is excessive and fails to respect the wide differences in house prices and land values in rural locations. This will prevent delivery of the full range of residential properties to meet community needs envisaged in the Solihull Local Plan.</p> <p>We are concerned over the decline in facilities in rural areas particularly local shops when coupled with poor public transport and believe shops and convenience stores outside the main centres should be subject to a lower rate of charge or exempt to encourage additional provision.</p> <p>In order to encourage the replacement of older and environmentally inefficient premises we would prefer to see the floor space replaced offset against the new build area before assessing the CIL on the basis of the related additional building site footprints.</p> <p>We believe the council should seek to encourage more of the new housing requirements being provided within the existing urban area by encouraging the more efficient use of scarce land resources and reducing demand for release of Green Field sites.</p> <p>In addition we would like to see the council applying CIL to more pro-actively encourage redevelopment and modernisation of older industrial areas and outdated factory units which are presently uneconomic and inefficient.</p>
17			West Midlands Police	Gail Collins	Senior Consultant Planner	Tyler Parkes	No comment

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Q3. Do you believe that the proposed rates are informed by and consistent with, the evidence on economic viability across the Borough? If not, why not?
20			McCarthy & Stone Retirement Lifestyles Ltd & Churchill Retirement Ltd.	<i>Ziyad Thomas</i>	<i>Policy Planner</i>	<i>The Planning Bureau Ltd</i>	Do not understand why sheltered housing has been included in the general residential rate in Mature Suburbs of £75 psm when Site 40 is clearly unable to support a CIL charge (Para. 6.8).Furthermore we consider that it is not just a risk (Para. 6.19) but a certainty that the imposition of CIL would result in lower affordable housing contributions. In all known cases in Solihull in the past five years, the Council has accepted reduced affordable housing contributions for sheltered housing based on viability appraisal. Given that sheltered/retirement housing is currently unable to meet the Council's affordable housing requirements, the addition of CIL would result in no affordable housing contributions, or worse, render this type of development unviable.
21	Piotr Behnke	Land Use Operations Team	Natural England				No comment
22	Katherine Burnett	Area Planner	Canal and Rivers Trust				No comment
26			Bloor Homes	<i>Chris May</i>	<i>Director</i>	<i>Pegasus Planning Group</i>	No comment
27	Fergus Thomas	Senior Planning Manager	Catesby Property Group				No. Insufficient evidence to justify proposed differential residential rates. Insufficient evidence to support a differential rate for convenience retail. Unclear how floorspace threshold has been reached.
28	Martin Robeson		Martin Robeson Planning Practice				No. See response to Q.2.
29			Sainsbury's Supermarkets	<i>Damien Holdstock</i>	<i>Planner</i>	<i>Turley Associates</i>	No. See response to Q.2.
30			West Midlands HARP Planning Consortium	<i>Christopher Burton</i>		<i>Tetlow King Planning</i>	The Council has not provided a justification for pursuing a £75m2 charge in the mature suburbs when Site 3 is unable to support CIL. We are pleased the Council has tested Older People's housing in C3 Use Class, but query why it has been included in the DCS when Site 40 is unable to pay CIL. Also, Older People's housing will often fall within C2 Use class.
31	Richard Campbell-Kelly	Property and Insurance Manager	NEC Group				No comment
33	Matthew Taylor	Asset Manager	Highways Agency				No comment
36	Nicki Farenden	Lands Administration Assistant	British Pipeline Agency - Lands				No comment
37	Wendy Reeve						Yes
38	Jill Stephenson	Town Planning Manager LNW	Network Rail				No comment

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Q3. Do you believe that the proposed rates are informed by and consistent with, the evidence on economic viability across the Borough? If not, why not?
39			LendLease Retail Partnership	<i>Nicholas Alston</i>	<i>Director</i>	<i>GVA Grimley</i>	Evidence base concludes that retail development in town centres (other than supermarkets and convenience stores) is unlikely to be able to support CIL charges. In order to be consistent with the evidence base, recommend reducing the proposed charge to £zero. Similarly for A2-A5, in town centres, the rate should be reduced to £zero.
40	Michael Brereton	Planning, Monitoring and Delivery Officer	Walsall MBC				No comment
41	Nicole Penfold	Planner	Gladman				It is integral when setting differential rates for different geographical areas that these differential rates are based on accurate, up-to-date housing market intelligence forming the evidence base for this decision.
42	Andrew Marston		Knowle Society				Yes
43			Banner Homes	<i>Chris May</i>	<i>Director</i>	<i>Pegasus Planning Group</i>	No comment

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CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Q4. Do you believe that the evidence provided shows that the proposed rates would not threaten delivery of the Local Plan? If not, why not?
1	Graham Nicholson	Planning Officer	Inland Waterways Assoc, Warks Branch				Yes
4	John Short	Chief Executive	Birmingham and Solihull Mental NHS Foundation Trust				Letter due
5			Asda	Nicola Gooch		Thomas Eggar LLP	No comment.
9	Richard Goodwin	Rural Surveyor	Country Land & Business Association (Midlands)				Support proposal to not apply CIL to office, industrial and storage (B8) development. Support proposal to not apply CIL to agricultural or forestry development, as it would have had a major impact on the farming and rural business community. Concerned that farm shops would have to pay CIL as they fall under a retail use; farm shops are a diversification from agricultural and should not be treated the same as large supermarkets. Must consider accumulation of all charges levied on development inc., affordable housing, Section 106 and CIL. Major concern with proposed levy of £150 psm on rural market housing, twice the cost of urban areas. Suggest both charges are the same. Consider £150 psm in rural areas is unviable and unacceptably high charge. Will act as a significant disincentive for investment. Consider that market housing in rural areas is being used to subsidise increased infrastructure for the town centre and other mature suburbs. Support 100% relief on affordable dwellings.
11	Hayley Anderson	Planning Obligations Officer	Birmingham City Council				No comment
12	Peter Frampton		Framptons				See response to Q5.
13			WM Morrisons Supermarkets Plc	Kate Tinsley	Senior Planner	Peacock and Smith	Proposed charge will put large supermarket developments at undue risk in a time of economic recession.
14	Chris Noble	Chairman	Cheswick Green Parish Council				No comment
16	Trevor Eames	Secretary	Solihull Ratepayers Assoc				We have set out our concerns above that the blanket approach to raising such large sums in the disparate and arbitrary manner set out will inevitably distort the provision of private market housing and employment developments such that the council will effectively fail to meet the objectives of the local plan in terms of providing a mix of housing types and sizes particularly in the rural designated zones to meet community needs although the housing numbers may well be achieved. This is evidenced by the applications approved or currently pending on proposed or previously reserved plan housing sites at e.g. Aqueduct Road, Cheswick Green, Dickens Heath and Tidbury Green none of which propose to include any single bedroom accommodation or purpose built homes for the elderly/over age 55's.
17			West Midlands Police	Gail Collins	Senior Consultant Planner	Tyler Parkes	No comment

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20			McCarthy & Stone Retirement Lifestyles Ltd & Churchill Retirement Ltd.	<i>Ziyad Thomas</i>	<i>Policy Planner</i>	<i>The Planning Bureau Ltd</i>	Including sheltered apartments development within the Mature Suburbs will therefore threaten the delivery of the Local Plan and contravene Government guidance.
21	Piotr Behnke	Land Use Operations Team	Natural England				No comment
22	Katherine Burnett	Area Planner	Canal and Rivers Trust				No comment
26			Bloor Homes	<i>Chris May</i>	<i>Director</i>	<i>Pegasus Planning Group</i>	Object to Draft Charging Schedule on the basis that the potential effects of the imposition of CIL on the economic viability of residential development across the Council area, and particularly in the Rural Areas, has not been properly considered.
27	Fergus Thomas	Senior Planning Manager	Catesby Property Group				No. Considered the rural area residential rate will have an unacceptable impact on viability of development in rural areas, and compromise deliverability of proposed schemes and the Council's ability to meet its objectively assessed housing need. Proposed residential rates in mature suburbs and rural areas will potentially have a significant effect on viability and therefore the provision of affordable housing. Examiner's report for Mid-Devon lowered the residential rate to allow for delivery of affordable housing in accordance with the Local Plan.
28	Martin Robeson		Martin Robeson Planning Practice				No. Fundamental problems arise from the issues raised above at Q2 and Q3. There needs to be more categories of retail development since, for example, an open A1 retail warehouse scheme will potentially command a much greater rental and have a much lower yield thus influencing land value, than a more restricted permission or specialist retail use, e.g.. garden centre. The CBRE evidence base is too coarse in respect of not providing scenarios to test these matters and the various wider locational differentials and is not therefore robust. In addition, there is currently no credible explanation for identical retail formats having CIL rates twice as high as each other depending on whether they are located in a defined, broadly set, town centre area, or elsewhere. There is, in addition, the dilemma in that the relevant Local Plan Retail Policy appears to prevent such development outside the kind of town centre and edge of centre locations that are essentially defined by the "Town Centre" boundaries in the Document. There is thus a real risk that aspects of appropriate decisions, informed by the Local Plan, may not as a result be delivered. See also response to Q5 below.
29			Sainsbury's Supermarkets	<i>Damien Holdstock</i>	<i>Planner</i>	<i>Turley Associates</i>	Yes. The retail charges would act as a disincentive to investment in Solihull.
30			West Midlands HARP Planning Consortium	<i>Christopher Burton</i>		<i>Tetlow King Planning</i>	The draft Local Plan has recognised the need to provide affordable extra care housing for older and/or disabled persons in Solihull, which makes it all the more necessary to advance a Charging Schedule that does not impede delivery.
31	Richard Campbell-Kelly	Property and Insurance Manager	NEC Group				No comment
33	Matthew Taylor	Asset Manager	Highways Agency				No comment

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Q4. Do you believe that the evidence provided shows that the proposed rates would not threaten delivery of the Local Plan? If not, why not?
36	Nicki Farenden	Lands Administration Assistant	British Pipeline Agency - Lands				No comment
37	Wendy Reeve						Yes
38	Jill Stephenson	Town Planning Manager LNW	Network Rail				No comment
39			LendLease Retail Partnership	Nicholas Alston	Director	GVA Grimley	See above
40	Michael Brereton	Planning, Monitoring and Delivery Officer	Walsall MBC				No comment
41	Nicole Penfold	Planner	Gladman				The Council must consider the impact of CIL together with the policies contained in the Local Plan on developments within the Borough when deciding an appropriate CIL rate.
42	Andrew Marston		Knowle Society				Yes
43			Banner Homes	Chris May	Director	Pegasus Planning Group	Object to Draft Charging Schedule on the basis that the potential effects of the imposition of CIL on the economic viability of residential development across the Council area, and particularly in the Rural Areas, has not been properly considered.

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Q5. Any other comments?
1	Graham Nicholson	Planning Officer	Inland Waterways Assoc, Warks Branch				Yes - The proposed rates appear to be sufficient for the Council's needs without being too onerous on developers. The reduced or zero rate for some types of development or some areas should improve and encourage the promotion of the poorer areas, especially in the north of the district.
4	John Short	Chief Executive	Birmingham and Solihull Mental NHS Foundation Trust				Letter due
5			Asda	Nicola Gooch		Thomas Eggar LLP	Comments regarding exceptional circumstances relief and phased payments stand as before.
9	Richard Goodwin	Rural Surveyor	Country Land & Business Association (Midlands)				Important that the countryside has development and allows people to live and work in rural areas. How will CIL charge be amended by an inflation measure? What will happen when landowners decide to build houses to keep in their long-term ownership to diversify their income through a residential portfolio - there are no capital receipts from which to fund a CIL charge, rather the CIL charge would have to be met from existing revenues which land managers are trying to improve by diversifying to obtain an alternative rental income stream.. Should be more flexible e.g. wait until rental income is received to charge CIL. Concerned that there is no allowance for housing needs for rural business for essential rural workers. The CLA would like assurance that these will be treated as affordable housing, i.e. a nil rate.
11	Hayley Anderson	Planning Obligations Officer	Birmingham City Council				No comment
12	Peter Frampton		Framptons				Proposed charge of £25psm for hotels in 'All Other Areas' will impose an unjustifiable cost burden upon hotel development and should be omitted. As hotels attract inward investment from tourism they will impose very limited demands on new social and physical infrastructure. Scale of charge is too onerous and will be a disincentive for hotel development. Therefore it does not 'strike a balance', but will adversely impact the economic viability of hotel development.
13			WM Morrisons Supermarkets Plc	Kate Tinsley	Senior Planner	Peacock and Smith	Maintain our objections made to the Preliminary Draft Charging Schedule. £300 psm is a very high rate for supermarkets, and much higher than comparative rates adopted at Shropshire, Huntingdonshire and Plymouth which ranged between £0-£100psm. Levies of this level will have a significant adverse impact, especially in combination with S106 contributions, which can be very high for this type of development.
14	Chris Noble	Chairman	Cheswick Green Parish Council				The Parish Council would like to see the CIL introduced with a minimum delay after the introduction of the new Local Plan. This would reduce the number of applicants attempting to obtain outline planning permission without paying the CIL. Solihull Council should employ consultants and deploy additional resources in the planning department to minimise the time to introduce the CIL. This would be self-financing as it would increase the funding required to finance new infrastructure and community facilities.

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Q5. Any other comments?
16	Trevor Eames	Secretary	Solihull Ratepayers Assoc				<p>CIL will add to the plethora of stealth taxes being imposed on the community, which will add considerably to the cost of new commercial development and private market homes not benefiting from the affordable or other reliefs and will deter investment and impose an unfair burden on those seeking to provide family homes on mortgage over much of their working lifetime.</p> <p>CIL will distort the market and lead to inappropriate development decisions based on the upfront CIL costs in locations that will prove commercially unviable in the longer term.</p> <p>The funding raised in a climate where public spending needs to be prioritised and restrained in the national interest will encourage additional public spending on projects the council feels to be desirable but are not necessary or essential and where with a more robust assessment test of cost/benefit effectiveness they would not otherwise be provided.</p> <p>We believe new development should only be required to fund the Infrastructure Costs related to the development itself and directly measurable requirements for additional facilities of a capital nature e.g. school places or health centres on the basis that revenue costs should be met by current taxation levies on occupation and use.</p>
17			West Midlands Police	Gail Collins	Senior Consultant Planner	Tyler Parkes	<p>Support proposal for a nil rate for 'All other uses' and to exclude training centres with residential accommodation. Urgent need for PCCWM to receive financial contributions towards essential infrastructure from CIL and Section 106 to satisfy its statutory service levels.</p> <p>Object to wording relating to police infrastructure in the IDP.</p> <p>PCCWM do not feel it is relevant for the Council to make reference in the IDP that historically Section 106 agreements have not been paid to emergency services within the West Midlands Metropolitan Area. Exist examples elsewhere in the country, e.g. Thames Valley and Leicestershire.</p>
20			McCarthy & Stone Retirement Lifestyles Ltd & Churchill Retirement Ltd.	Ziyad Thomas	Policy Planner	The Planning Bureau Ltd	<p>Joint representation on behalf of McCarthy and Stone Retirement Lifestyles Ltd and Churchill Retirement Ltd. Combined deliver over 80% of none 'out-of-town' retirement housing for the elderly. Propose setting a nil rate for Sheltered/Retirement apartments in the mature suburbs. This can be done by a caveat to the existing rates, to help avoid undue complexity:</p> <p>"Excluding Sheltered/Retirement housing which are defined as grouped units, usually flats, specially designed or designated for older people. Usually have hard-wired alarm systems and internal corridors linking individual flats to communal areas. May have a resident or non-resident warden service."</p>
21	Piotr Behnke	Land Use Operations Team	Natural England				<p>Natural England has no specific comments, but would like to make the following general comments:</p> <p>NE is not a service provider, nor do we have detailed knowledge of infrastructure requirements in the area. We note that NPPF Para. 144 states that LPAs should plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. We view CIL as important in delivering this strategic approach.</p> <p>In the absence of a CIL approach to enhance the natural environment, delivery could be ad hoc and inconsistent with the NPPF.</p>
22	Katherine Burnett	Area Planner	Canal and Rivers Trust				No comment
26			Bloor Homes	Chris May	Director	Pegasus Planning Group	No

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Q5. Any other comments?
27	Fergus Thomas	Senior Planning Manager	Catesby Property Group				Not clear from the consultation document how the requirements of the IDP have influenced the charging rates. No indication of the extent CIL payments would provide or fill the funding gap. Do not consider the Council has provided a justification on the appropriate balance between funding infrastructure and the effect on economic viability. Should implement an instalments policy e.g. payments on commencement, after completion of the first quarter, second quarter, third quarter and on completion of the scheme.
28	Martin Robeson		Martin Robeson Planning Practice				Most commercial developments become of real value on their completion, or more specifically, on occupation. By far the largest component should therefore be paid at that stage or otherwise deferred. Instalments at the end of a more limited number of days would be wholly inept in dealing with the commercial realities and thus delivery of aspects of the Local Plan. Criteria needs to exist to assess foreseeable exemptions and to recognise that there will always be truly exceptional circumstances which by their very nature cannot be foreseen and thus documented. That a development might not be viable after a CIL payment, is wholly foreseeable and can be the subject of detailed viability scrutiny before an exemption is allowed. There must always be an allowance for unforeseen exceptional circumstances and the Charging Schedule should recognise this.
29			Sainsbury's Supermarkets	Damien Holdstock	Planner	Turley Associates	No.
30			West Midlands HARP Planning Consortium	Christopher Burton		Tetlow King Planning	Disappointing that the Council has twice denied consultees the ability to comment on a potential exceptional circumstances and phasing policy. We would expect the Council to now be in a position to commit to such a policy. An exceptional circumstances policy allows flexibility for the Council to ensure housing remains deliverable on a few specific sites, particularly in current depressed market. We would advocate that the Council advances its phased policy timetable that was consulted on in the PDCS, but linking the final payment to occupancy. In view of the Government's consultation on Lifetime Homes standards, we question whether it is appropriate for assumptions to be made about associated costs in the Viability Study. Note an error on p.7 where the CIL rate is expressed in pounds per m ²² .
31	Richard Campbell-Kelly	Property and Insurance Manager	NEC Group				Comments made to PDCS still stand. Council should explain how CIL payments will be used when a development is being built. Need to ensure infrastructure improvements are ready on development completion.
33	Matthew Taylor	Asset Manager	Highways Agency				No specific comments at this time but keen to be kept informed of future developments.
36	Nicki Farenden	Lands Administration Assistant	British Pipeline Agency - Lands				BPA Have no comment to make regarding this Charging Schedule and Draft Regulation
37	Wendy Reeve						Why should Parish Council's be given the funding to be spent and how is this money going to be accounted for. Will it be widely advertised what they have spent it on. How is SMBC going to ensure that the CIL monies given to PC's is not wasted on projects / items and is used for the good of their ENTIRE parish?

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Q5. Any other comments?
38	Jill Stephenson	Town Planning Manager LNW	Network Rail				<p>Network Rail believes that developments on the railway infrastructure should be exempt from CIL or that its development should at least be classified as payments in-kind;</p> <p>Network Rail would like to seek a clear definition of buildings in the draft charging schedule. Railway stations are open-ended gateways to railway infrastructure and should not be treated as buildings. Likewise lineside infrastructure used to operate the railway (such as sheds, depot buildings etc) should be classed as railway infrastructure and not treated as buildings for the purposes of the charging schedule;</p> <p>Under the current proposals, Network Rail's operational buildings would fall under "All other uses", proposed to have a nil rate. Should this rate be amended in future, we would encourage the Council to maintain a nil rate for operational public transport buildings/infrastructure.</p> <p>All profits made by Network Rail, including from commercial development, are reinvested directly back into the network, and any loss of income through the Community Infrastructure Levy (CIL) represents the direct loss of railway infrastructure investment, and ultimately public transport provision.</p>
39			LendLease Retail Partnership	<i>Nicholas Alston</i>	<i>Director</i>	<i>GVA Grimley</i>	No comment
40	Michael Brereton	Planning, Monitoring and Delivery Officer	Walsall MBC				No comment
41	Nicole Penfold	Planner	Gladman				<p>Should factor granting relief for exceptional circumstances into the Council's CIL.</p> <p>Would urge the Council to engage with local developers and others in the property industry early and throughout the process.</p> <p>Would urge the Council to adopt an instalments policy as this will facilitate cash flow and thereby development viability.</p> <p>Need to review CIL tariffs once these have been set, see Para. 79 of CIL guidance.</p> <p>The Local Plan will need to be adopted prior to the adoption of CIL.</p>
42	Andrew Marston		Knowle Society				<ol style="list-style-type: none"> Page 2 - penultimate paragraph - presumably the CIL will be included in any planning consent as a S106 Agreement, or will it be conditioned? Page 12 - third item - please confirm the reference to 'Inflation Measure' as being the final proposal to be incorporated in the CIL. Page 13 - First paragraph - presumably the reference to 'highway improvements' are off-site and thus subject to a Section 278 Agreement? Page 15 - last paragraph - Knowle is beginning to be involved in the preparation of its Neighbourhood Plan - presumably the 'cap' will be in force until the Neighbourhood Plan is adopted?
43			Banner Homes	<i>Chris May</i>	<i>Director</i>	<i>Pegasus Planning Group</i>	No

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Q6. Would you like to make a request to be heard by the Examiner of the Charging Schedule?
1	Graham Nicholson	Planning Officer	Inland Waterways Assoc, Warks Branch				No
4	John Short	Chief Executive	Birmingham and Solihull Mental NHS Foundation Trust				Letter due
5			Asda	Nicola Gooch		Thomas Eggar LLP	No comment.
9	Richard Goodwin	Rural Surveyor	Country Land & Business Association (Midlands)				No comment
11	Hayley Anderson	Planning Obligations Officer	Birmingham City Council				No comment
12	Peter Frampton		Framptons				No comment
13			WM Morrisons Supermarkets Plc	Kate Tinsley	Senior Planner	Peacock and Smith	Yes
14	Chris Noble	Chairman	Cheswick Green Parish Council				No comment
16	Trevor Eames	Secretary	Solihull Ratepayers Assoc				Yes
17			West Midlands Police	Gail Collins	Senior Consultant Planner	Tyler Parkes	No comment
20			McCarthy & Stone Retirement Lifestyles Ltd & Churchill Retirement Ltd.	Ziyad Thomas	Policy Planner	The Planning Bureau Ltd	If the aforementioned issues are not resolved, then we request the opportunity to present this issue at Examination.
21	Piotr Behnke	Land Use Operations Team	Natural England				No comment
22	Katherine Burnett	Area Planner	Canal and Rivers Trust				No
26			Bloor Homes	Chris May	Director	Pegasus Planning Group	Yes
27	Fergus Thomas	Senior Planning Manager	Catesby Property Group				Yes
28	Martin Robeson		Martin Robeson Planning Practice				No
29			Sainsbury's Supermarkets	Damien Holdstock	Planner	Turley Associates	No comment

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Q6. Would you like to make a request to be heard by the Examiner of the Charging Schedule?
30			West Midlands HARP Planning Consortium	<i>Christopher Burton</i>		<i>Tetlow King Planning</i>	No
31	Richard Campbell-Kelly	Property and Insurance Manager	NEC Group				No.
33	Matthew Taylor	Asset Manager	Highways Agency				No comment
36	Nicki Farenden	Lands Administration Assistant	British Pipeline Agency - Lands				No comment
37	Wendy Reeve						No
38	Jill Stephenson	Town Planning Manager LNW	Network Rail				No comment
39			LendLease Retail Partnership	<i>Nicholas Alston</i>	<i>Director</i>	<i>GVA Grimley</i>	No comment
40	Michael Brereton	Planning, Monitoring and Delivery Officer	Walsall MBC				No comment
41	Nicole Penfold	Planner	Gladman				No comment
42	Andrew Marston		Knowle Society				No
43			Banner Homes	<i>Chris May</i>	<i>Director</i>	<i>Pegasus Planning Group</i>	Yes

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Comments on Draft Regulation 123 list
1	Graham Nicholson	Planning Officer	Inland Waterways Assoc, Warks Branch				No comment
4	John Short	Chief Executive	Birmingham and Solihull Mental NHS Foundation Trust				Letter due
5			Asda	Nicola Gooch		Thomas Eggar LLP	Para. 2.5 states that CIL would become the main source of developer contributions towards infrastructure beyond the immediate needs of the development site. It has also been assumed that s.106 contributions will be significantly scaled back after CIL has been adopted; in light of the draft Regulation 123 list we contend that this assumption is likely to prove false. As any major junction improvements will need to be funded through s.106/s.278 agreements once CIL is in place, this will carry a significant infrastructure cost which would need to be borne in addition to the Levy.
9	Richard Goodwin	Rural Surveyor	Country Land & Business Association (Midlands)				No comment
11	Hayley Anderson	Planning Obligations Officer	Birmingham City Council				None
12	Peter Frampton		Framptons				No comment
13			WM Morrisons Supermarkets Plc	Kate Tinsley	Senior Planner	Peacock and Smith	No comment
14	Chris Noble	Chairman	Cheswick Green Parish Council				No comment
16	Trevor Eames	Secretary	Solihull Ratepayers Assoc				No comment
17			West Midlands Police	Gail Collins	Senior Consultant Planner	Tyler Parkes	Formally recommend that police infrastructure be included on the Regulation 123 list. Without developer contributions then CIL and the IDP will be unsound, as PCCWM will be unable to meet its statutory duty to secure the maintenance of an efficient and effective police force for its area.
20			McCarthy & Stone Retirement Lifestyles Ltd & Churchill Retirement Ltd.	Ziyad Thomas	Policy Planner	The Planning Bureau Ltd	No comment
21	Piotr Behnke	Land Use Operations Team	Natural England				Potential infrastructure requirements may include: Access to natural greenspace Allotments Local Rights of Way LNP or BAP projects GI Strategy projects Community aspirations or other GI projects Climate change mitigation or adaptation delivery

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Comments on Draft Regulation 123 list
22	Katherine Burnett	Area Planner	Canal and Rivers Trust				The draft Regulation 123 List does not outline specific projects nor is there specific reference to the canals within the Borough. We understand that should canal projects be considered on the Regulation 123 List they would be as Green Infrastructure projects. We suggest that it is important for the Council to carefully define the projects to be listed on the Regulation 123 list. Relying on generic headings such as green infrastructure may preclude s106 agreements being secured for canal infrastructure going forward unless there were site specific impacts. Should Solihull Council propose to include infrastructure projects relating to the canals within Solihull Borough on the Regulation 123 List, the Canal & River Trust would welcome the opportunity to discuss the projects further.
26			Bloor Homes	Chris May	Director	Pegasus Planning Group	Object to impact of Draft Reg. 123 list on the economic viability of residential development. Concerned that Draft Reg. 123 list is extremely limited in scope. The draft includes primary school places, but excludes secondary school places. The draft excludes "site-dependent" provision of public open space and recreation facilities. We would welcome further definition as to what this particular definition means, as both secondary school places and public open space can be significant and costly in terms of current S106 agreements, which the Council would be entitled to request in addition to charging CIL, if the Charging Schedule is adopted.
27	Fergus Thomas	Senior Planning Manager	Catesby Property Group				No comment
28	Martin Robeson		Martin Robeson Planning Practice				No comment
29			Sainsbury's Supermarkets	Damien Holdstock	Planner	Turley Associates	No comment
30			West Midlands HARP Planning Consortium	Christopher Burton		Tetlow King Planning	No comment
31	Richard Campbell-Kelly	Property and Insurance Manager	NEC Group				CIL payments should be allowed for road junction improvements.
33	Matthew Taylor	Asset Manager	Highways Agency				Clear from the document that the Council does not intend to apply CIL funding to strategic transport infrastructure developments.
36	Nicki Farenden	Lands Administration Assistant	British Pipeline Agency - Lands				No comment
37	Wendy Reeve						No comment
38	Jill Stephenson	Town Planning Manager LNW	Network Rail				We would encourage the railways to be included on the list of the types of infrastructure projects that will be funded through CIL via the Regulation 123 List, but a clear distinction needs to be made to allow for developer contributions where a proposed development has the potential to impact on level crossings, and for this funding to be pooled if necessary to cater for cumulative impact.
39			LendLease Retail Partnership	Nicholas Alston	Director	GVA Grimley	No comment
40	Michael Brereton	Planning, Monitoring and Delivery Officer	Walsall MBC				No comment

CIL Ref	Consultee Name	Consultee Title	Consultee Organisation	Agent's Name	Agent Title	Agent's Organisation	Comments on Draft Regulation 123 list
41	Nicole Penfold	Planner	Gladman				No comment
42	Andrew Marston		Knowle Society				No comment
43			Banner Homes	Chris May	Director	Pegasus Planning Group	Object to impact of Draft Reg. 123 list on the economic viability of residential development. Concerned that Draft Reg. 123 list is extremely limited in scope. The draft includes primary school places, but excludes secondary school places. The draft excludes "site-dependent" provision of public open space and recreation facilities. We would welcome further definition as to what this particular definition means, as both secondary school places and public open space can be significant and costly in terms of current S106 agreements, which the Council would be entitled to request in addition to charging CIL, if the Charging Schedule is adopted.

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