

005/CM.mc/BIR.4109

2 December 2013

Policy and Spatial Planning  
Solihull Metropolitan Borough Council  
Council House  
Manor Square  
Solihull  
West Midlands  
B91 3QB

Dear Sir/Madam

**Community Infrastructure Levy (CIL)**  
**Draft Charging Schedule and Draft Regulation 123 List**

I refer to your consultation on the above and am pleased to provide formal representations of behalf of Bloor Homes and Banner Homes. I have also completed separate forms on behalf of each client.

We object to the Draft Charging Schedule and Draft Regulation 123 List on the basis that we are concerned the potential effects of the imposition of CIL on the economic viability of residential development across the Council area, and particular in the Rural Areas, has not been properly considered. In particular, we are concerned that the Draft Regulation 123 List is extremely limited in its scope.

As we understand matters, after the introduction of the CIL Councils cannot require developers to provide for infrastructure through Section 106 agreements where this is included in the Regulation 123 List. As such, therefore, we are concerned that the infrastructure projects or types that the Council intends to be funded by CIL, as set out in the Draft Regulation 123 List, excludes a number of matters which currently are secured through Section 106 agreements.

We note that the Draft Regulation 123 List, for example, includes primary school places in the Borough, but not secondary school places. We note in regard to Green Infrastructure, the List excludes "site-dependent" provision of public open space and recreation facilities for new development. We would welcome further information as to what this particular definition means, but our concern is that, as examples, both secondary school places and the provision of public open space and recreation facilities can be significant and costly items in current Section 106 agreements, which the Council would be entitled to request following adoption of the CIL, and in addition to it.

We are concerned that the Community Infrastructure Levy Viability Study undertaken on behalf of the Council by CBRE (revised August 2013 version) states at paragraph 4.19 that:-

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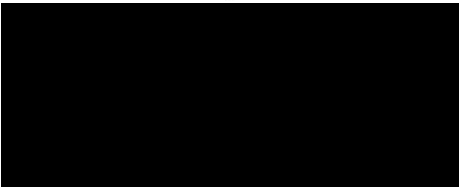
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FS 577092

*"In respect of S.106 costs, as per para 4.3 above, we have assumed a contribution of £1,000 per unit for site specific requirements on the basis that the majority of existing planning obligations would otherwise be addressed by CIL".*

Whilst recognising that inevitably the actual level of Section 106 contributions which will be sought on sites after the adoption of CIL will vary significantly, an assumption of £1,000 per unit is significantly lower than, for example, the contribution required for secondary school places and contributions sought in relation to public open space and recreational facilities on a per unit basis. It seems clear that CBRE have therefore conducted a viability assessment of the implications of the imposition of CIL on the basis of flawed assumptions as to the potential for Section 106 contributions after the adoption of CIL to include significant infrastructure requirements.

I trust these representations are clear, but should you wish to discuss them further please do not hesitate to contact me.

Yours faithfully



**CHRIS MAY**

**Director**

chris.may@pegasuspg.co.uk

c.c. Duncan McKay, Bloor Homes  
Paul McCann, Banner Homes



**COMMUNITY INFRASTRUCTURE LEVY**

**RESPONSE TO CONSULTATION ON DRAFT CHARGING SCHEDULE**

This form can be used to respond to the consultation the Council is currently undertaking on its Draft Charging Schedule. All responses should be made by **2nd December 2013** by sending this form, either by post or email, to the following address:

Email: [psp@solihull.gov.uk](mailto:psp@solihull.gov.uk)

Post: Policy & Spatial Planning  
 Solihull MBC  
 Council House  
 Manor Square  
 Solihull  
 B91 3QB

**Your name & address:**

Name	Chris May
Organisation	Pegasus Group
Address	5 The Priory Old London Road Canwell Sutton Coldfield B75 5SH
Telephone no.	0121 308 9570
Email address	chris.may@pegasuspg.co.uk

**If you are representing another person, their name & address:**

Name	
Organisation	Bloor Homes
Address	
Telephone no.	
Email address	

**Nature of representations:**

Support	<input type="checkbox"/>
Object	X
Comment	<input type="checkbox"/>

**Nature of interest:**

Parish or Town Council	<input type="checkbox"/>
Resident	<input type="checkbox"/>
Developer	X
Statutory Consultee	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Consultation questions**

1. 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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2. 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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See letter attached

3. 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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4. Do you believe that the evidence provided shows that the proposed rates would not threaten delivery of the Local Plan? If not, why not?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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See attached letter

5. Any other comments?

Yes		No	X
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6. Would you like to make a request to be heard by the Examiner of the Charging Schedule?

Yes	X	No	
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7. Would you like to be notified of any of the following:

- a) That the draft charging schedule has been submitted to the examiner in accordance with section 212 of the Planning Act 2008?

Yes	X	No	
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- b) The publication of the recommendations of the examiner and the reasons for those recommendations?

Yes	X	No	
-----	---	----	--

- c) The approval of the charging schedule by the charging authority?

Yes	X	No	
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Thank you for taking time to complete this consultation.

**How we will use your personal information:** *The information you provide will be used by the Council to help prepare the CIL Charging Schedule and will be shared with other employees or agencies (such as the Planning Inspectorate) who may be involved with the process. Additionally, your personal details may be shared with other Solihull MBC departments and partner organisations to ensure our records are kept accurate and to keep you informed of future consultation documents. Please note that the Council is obliged to make representations available for public inspection, this means that with the exception of telephone numbers, email addresses and signatures, your comments and other personal details that you provide will be publicly available for inspection at the Council's principle offices and will also be published on the internet. Should you have any further queries please contact Spatial Planning on 0121 704 6394 or email [psp@solihull.gov.uk](mailto:psp@solihull.gov.uk).*

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Solihull  
B91 3QB

**Your name & address:**

Name	Chris May
Organisation	Pegasus Group
Address	5 The Priory Old London Road Canwell Sutton Coldfield B75 5SH
Telephone no.	0121 308 9570
Email address	chris.may@pegasuspg.co.uk

**If you are representing another person, their name & address:**

Name	
Organisation	Banner Homes
Address	
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**Nature of representations:**

Support	<input type="checkbox"/>
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Comment	<input type="checkbox"/>

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