



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

Date: 28 November 2013
Our Ref: EB/CB M5/0322-09

By email only:
psp@solihull.gov.uk

Dear Sir or Madam

RE: CONSULTATION ON THE PROPOSED COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE

We represent the **West Midlands HARP Planning Consortium** which includes all of the leading Housing Association Registered Providers in the West Midlands. Our clients' main concern is the optimisation of the delivery of affordable housing

We have previously submitted representations on the Preliminary Draft Charging Schedule.

Exceptional Circumstances and Phased Payment Policy

The purpose of consultation is to allow interested parties to express their views on matters that will directly affect their ability to deliver development. It is therefore disappointing that the Council has twice denied consultees the ability to comment on a potential exceptional circumstances and phased payment policy. We have strong opinions on these matters as we made clear in our representations to the Preliminary Draft Charging Schedule. By this stage in the consultation process we would expect this Council to be in a position to commit to such a policy.

For further clarification we believe that including an exceptional circumstances policy allows flexibility for the Council to ensure housing remains deliverable on a few specific sites, particularly in the current depressed market. An exceptional circumstances policy will only be applicable in a very small number of cases where the cost of items in a Section 106 agreement are greater than CIL, and where the exemptions would assist the delivery of affordable housing.

With regards to phased payments, we would again advocate that the Council advances its phased policy timetable that was consulted on in the Preliminary Draft Charging Schedule but linking the final payment to occupation of the property as per our previous representations.

Life Time Homes

Paragraph 4.5 of the Viability Study assumes that developers will comply with the Lifetime Homes standards that are set out in the Local Plan Policy P15. In view of the fact that the Government is seeking to replace separate standards with enhanced Building Regulations, and Lifetime Homes are thus likely to become an obsolete format, we question whether it is appropriate for assumptions to be made about the associated costs in the Viability Study.

Viability Testing

In our representations to the Preliminary Draft Charging Schedule we made clear our concerns that Site 3 was unable to support any CIL and asked for justification in pursuing a Charging Schedule that rules out this development scenario. The Council has not supplied us with the requested justification and we remain concerned about the effect of imposing a £75m² charge in the mature suburbs.

We are pleased to see that the Council has taken on board our concerns over the lack of testing of Older Peoples' Housing in the C3 Use Class and note the findings in Table 6.4 of the CIL Viability Study Update, which indicates that Site 40 would be unable to pay CIL on development. In view of this evidence we query why the Council has not removed Older Peoples' Housing from the Charging Schedule. We refer it to the current CIL Guidance (2013) which specifically states that:

“Charging schedules should not impact disproportionately on particular sectors or specialist forms of development” (paragraph 37, page 11).

As mentioned in our previous representations, 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.

It is with concern that we note that the Council has not included any real case studies in their CIL testing range. Paragraph 27, page 8 of the current CIL Guidance clearly stipulates that:

“a charging authority should sample directly an appropriate range of types of sites across its area in order to supplement existing data.”

To progress a Charging Schedule without having first worked out the costs beyond a notional understanding is not, in our view, sound practice. If these sites are not accurately assessed the Council will either find itself unable to deliver the infrastructure needed for these developments or the affordable housing targets will be negotiated down. Both situations are unacceptable and avoidable through a more robust and considered approach.

Use of Affordable Housing Mix

In reading Policy P4 of the draft Local Plan, we note the Council's preference to decide the amount of affordable housing to be delivered on a site by site basis. While we understand the difficulties this will cause in testing the viability of affordable housing mix and that assumptions will have to be made, we do expect the Council to test a variety of affordable housing scenarios, so as to gauge the affect a change in affordable housing mix might have on development viability across different sites.


Additional Comments

As a matter of clarity we draw the Council's attention to page 7 of the Draft Charging Schedule. The proposed CIL rate explains that it is expressed in pounds per m², however this is immediately followed by a footnote whose comment implies expression of the CIL rate in pounds per m²². This looks very odd and could be misleading to people.

Conclusion

We feel that little has progressed since the Preliminary Draft Charging Schedule and there are many discrepancies that should be rectified before it is allowed to proceed. The Council should have tested existing and upcoming sites, across a range of affordable housing scenarios, to fully appraise itself and consultees of the impact of CIL on their delivery. We have also questioned why the Council has kept a CIL rate of £75m² and included Older Peoples' Housing in the C3 Use Class when it will often fall within C2, and in any case its inclusion is counter to the negative viability evidence.

Yours faithfully


CHRISTOPHER BURTON
ASSISTANT PLANNER
For and On Behalf Of
TETLOW KING PLANNING

Enc: Response form

cc: Bromford Housing Group
Midland Heart Limited
Waterloo Housing Association Limited
WM Housing Group

John Pitcher – Housing Enabling Officer
Mark Collyer – Housing Enabling Officer