

COMMUNITY INFRASTRUCTURE LEVY

RESPONSE TO CONSULTATION ON PRELIMINARY DRAFT CHARGING SCHEDULE

This form can be used to respond to the consultation the Council is currently undertaking on its Preliminary Draft Charging Schedule. All responses should be made by **26th April 2013** by sending this form, either by post or email, to the following address:

Email: psp@solihull.gov.uk

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

Your name & address:

Name	Martin Robeson
Organisation	Martin Robeson Planning Practice
Address	21 Buckingham Street London WC2N 6EF
Telephone no.	[REDACTED]
Email address	[REDACTED]

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

Name	N/A
Organisation	
Address	
Telephone no.	
Email address	

Nature of representations:

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

Nature of interest:

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

Consultation questions

1. Do you believe that the proposed charges are an appropriate balance between funding infrastructure and the potential effects (taken as a whole) of the imposition of CIL on economic viability of development across the Borough ? If not why not ?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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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.

2. Do you believe there is adequate evidence on infrastructure planning and economic viability to introduce a CIL ? If not what additional evidence do you believe is necessary ?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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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 three areas proposed. There are also very widely different ranges of goods that will be permitted (from wholly open A1 to very restricted bulky goods consents). These factors have 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.

3. Do you agree with the separate charging zones for residential development and the CIL rates based on these zones ? If not what changes do you believe are necessary to make them appropriate ?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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No comment.

4. Should there be different residential rates based on the percentage of affordable housing to be provided on the site ? If so what should the threshold be ?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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One would expect a viability appraisal to be used to assess the extent of affordable housing achievable in a scheme in order to demonstrate that it takes the scheme to the margin of viability. If this testing has occurred, it would seem to be wholly inappropriate to then distinguish between sites in respect of the amount of affordable provision.

5. Do you agree with the differential rates for the different types of retail development and are the thresholds appropriate ? If not what changes do you believe are necessary ?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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Fundamental problems arise from the issues raised in our answer to question 2. There need 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 bulky goods permission. 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 on page 9 of the Consultation Document.

6. Do you agree with the rates for the other types of development ? If not what changes do you think are necessary to make them appropriate ?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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No comment.

7. Do you agree there should be a nil rate for the development types not listed (ie including office, industrial & agricultural developments) ? If not why not ?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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No comment.

8. Do you believe the Council should allow CIL payments to be made in instalments, and if so what should they be ?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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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. Instalments at the end of a given number of days (see page 10 of the Consultation Document) would be wholly inept in dealing with the commercial realities.

9. Do you believe the Council should offer additional exemptions in the circumstances listed above ?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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The Consultation Document has confused the task of setting criteria to assess foreseeable exemptions with recognising 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. The first sentence of the final bullet point on page 11, is thus wholly inappropriate. There must always, however, be an allowance for unforeseen exceptional circumstances and the Charging Schedule must recognise this.

10. Any other comments ?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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Focus Groups

Depending on the nature and extent of representations made on this Preliminary Draft Charging Schedule, the Council may make arrangements for one or more focus groups prior to consulting on the Draft Charging Schedule. If you consider that such groups would be beneficial it would be helpful if your response could indicate the subject areas or issues you believe should be covered in a focus group.

Do you wish to be invited to any focus groups that may be arranged ?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If so what subject areas or issues should be covered in a focus group ?

1. Balance between funding infrastructure through CIL and the effects on developments across the Borough.
2. Retail levy differentials, locational structure and related viability evidence base.

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.*