

Cannock Chase District Council

Regulation 19(b) Statement

Formal Representation Procedure

Summary of Draft Charging Schedule Consultation

- 1.1. The Council consulted on its Draft Charging Schedule between 8 August 2014 and 19 September 2014. The Draft Charging Schedule and accompanying evidence base documents were made available to view online at www.cannockchasedc.gov.uk/planningpolicy, or on request to the Planning Policy team. Copies of the documents were available to view at the Cannock Civic Centre, Rugeley Area Office and the Districts' public libraries (Cannock, Rugeley, Hednesford, Brereton, Norton Canes and Heath Hayes) during normal opening hours. A notice of the consultation was also placed in a local free newspaper (The Chronicle 31.07.13).
- 1.2. The consultation was undertaken in accordance with Regulation 16 of the CIL Regulations 2010 (as amended). Over 400 stakeholders, including the relevant consultation bodies were contacted via letter to notify them of the consultation period, availability of documents and methods of response.
- 1.3. The Council also invited stakeholders to attend one of three workshop events held on 2 and 3 September 2014. The purpose of the workshops was to discuss in more detail the nature of the CIL charging regime (i.e. how it will be applied and operate), the proposed levy charges themselves, the local infrastructure projects that the CIL will fund and also any changes made following consultation on the Preliminary Draft Charging Schedule. Separate workshops were held for private developers (who would ultimately be subject to the CIL charge) and for infrastructure providers or delivery agencies (who would be spending those CIL receipts) e.g. the County Council and Parish Councils. By providing separate workshops the Council was able to cater for the different queries and topics of discussion arising from these stakeholder groups.
- 1.4. Only 4 stakeholders attended the workshop events, including 3 developers; County Council representatives and an officer from a neighbouring authority. **A total of 17 stakeholders formally responded to the consultation in accordance with regulation 17.**
- 1.5. **The table below provides a summary of the formal consultation responses received and the Council's response to them.** Where appropriate the Council has identified how it considers the Regulation 123 List can be improved in response to representations.

**SUMMARY OF RESPONSES TO CONSULTATION ON DRAFT CIL CHARGING SCHEDULE AND REGULATION 123 LIST
OCTOBER 2014**

<u>Name of respondent</u>	<u>Summaries of comments</u>	<u>Responses to comments</u>
The Coal Authority	No comments at this stage	No action required
Brereton and Ravenhill Parish Council And Rugeley Town Council (2 identical responses)	<p>The following uses could be subject to CIL charges without affecting their viability – amusement centre, funfair, scrapyard, yard for the storage or distribution of minerals or the breaking of motor vehicles, night club, casino, A3 restaurant/café, A4 pub/wine bar, A5 hot food take away (but not for small-scale extensions to food and drink uses). C4 houses in multiple occupation, retail warehouse clubs.</p> <p>The following projects should be added to the Regulation 123 list</p> <ul style="list-style-type: none"> • Create cycleway from Rugeley Town Station to 	<p>The viability evidence produced on behalf of the Council by Adams Integra did not indicate that leisure and food and drink uses would be capable of supporting a CIL charge. All of the other uses listed apart from C4 and retail warehouse clubs normally comprise use of open land rather than buildings and CIL can only be charged on built development. C3 dwellings have permitted development rights to change to C4 and back to C3 but it is not normally the case that new housing development is proposed as anything other than C3.</p> <p>Retail warehouse clubs are no longer a type of use which is in vogue and it is not envisaged that any new built development of this type will take place before 2016/17 when a review of the Charging Schedule is likely to take place.</p> <p>No viability evidence is put forward by the Parish so no changes are proposed.</p> <p>The route already exists and is shown as a proposal</p>

	<p>the AONB identified as Brereton & Ravenhill Way in the Parish Plan</p> <ul style="list-style-type: none"> • Improve Trent & Mersey Canal Towpath to make it suitable for cyclists, pedestrians and the disabled. 	<p>on the Local Plan Policies Map. Some parts of it are in need of improvement and it is therefore proposed to add the project to the R123 list. Approximately £135,000 is available from four S106 agreements to improve the pedestrian/cycle links from the edge of the town centre at the Leathermill Lane canal bridge to Towers business park and Wheelhouse Road business park, which includes towpath improvements to be delivered in partnership with the Canals and Rivers Trust. This should be sufficient funding to deliver what the Parish Council wish to achieve.</p>
Equality and Human Rights Commission	<p>Draw attention to the Council's responsibilities under the Equality Act 2010</p>	<p>The CIL Charging Schedule helps to enable infrastructure delivery in support of the Cannock Chase Local Plan, Part 1 which was itself the subject of Equalities Impact Assessment</p>
Landor Society	<p>It is pleasing to note that CIL funds can be allocated to conservation of heritage assets</p>	<p>No further action required</p>
Churchill Retirement Living and McCarthy and Stone	<p>Made representations at the Preliminary Draft stage including an analysis of the viability issues specific to delivery of specialist accommodation for the elderly, the key issues being communal floorspace built to high specification, slower sales rates and higher empty property charges. In response to this the Draft Charging Schedule proposes a nil rate for this type of housing. They commend the Council's response and support the proposal for a nil rate.</p>	<p>No further action required</p>

<p>Natural England</p>	<p>Natural England (NE) is satisfied that the infrastructure requirements in relation to the Cannock Chase SAC is appropriately evidenced and that the overall funding required to be delivered from developments across the partner authorities of £2 million is correct. If sufficient certainty can be evidenced of a financial commitment to deliver the relevant proportion of the SAC Strategic Access, Management and Monitoring Project (SAMM) via a system of “top slicing” CIL receipts on an annual basis, then no further Habitat Regulations Assessment of the Charging Schedule would be required. NE seek confirmation on this point.</p> <p>Clarification is sought on the implications of setting a nil charge for “specialist retirement housing”. If this includes C3 – independent living, in addition to C2 rest homes/nursing homes, the Council should evidence the thought processes for excluding C3 development for the elderly and ensure that funds collected from all other market housing are sufficient to support the Council’s contribution towards the overall cost of the SAMM.</p> <p>Welcomes proposed intention to consider an instalments policy subject to this not impacting on collection of the required SAC mitigation funding.</p> <p>Any proposal for payment in kind may require individual Habitat Regulations Assessments which NE would provide advice on a case by case basis.</p>	<p>The Council is committed to top slicing CIL receipts based on the yet to be agreed sum per dwelling across the partnership authorities. Receipt of funds on an annual basis will be dependant on the number of housing developments commencing – this makes a clear connection with potential impact but cannot necessarily guarantee a particular sum is delivered in any one year in order to deliver a specific project.</p> <p>The proposed nil charge for C3 retirement development is based on robustly evidenced viability considerations. There are no planned developments in this category at present and if any were planned in future they would be a very small component of the overall housing supply and would be unlikely to impact on deliverability of the SAMM.</p> <p>The comment on instalments is noted.</p> <p>It is agreed that any proposals for payment in kind would need to deal with the obligations to comply with the Habitats Regulations on a case by case basis.</p>
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<p>Tetlow King Planning on behalf of West Midlands HARP Planning Consortium (representing Registered Providers in the West Midlands)</p>	<p>Main concern is the optimisation of affordable housing. Mostly happy that previous comments have been taken on board. Remain concerned that any proposed rise in percentage of affordable housing which may be sought as a result of general improvements in viability, with a non-negotiable element of CIL could squeeze delivery of affordable housing. Any change should be the subject of rigorous testing via revisions to the Local Plan and CIL Charging Schedule.</p>	<p>The Council's consultants Adams Integra recommend a review of viability considerations in relation to the combined impact of CIL and planning obligations for affordable housing in 2016. No change to the proposed CIL rate of £40 per square metre for dwellings and the 20% affordable housing target will be proposed before then. No change to the CIL rate (apart from to take account of inflation) can be proposed without a further examination. The Local Plan Inspector accepted the wording of Policy CP7 of the Plan which indicates that the overall target for provision of affordable housing will be reviewed when evidence of changes in market conditions indicates this to be appropriate, details to be elaborated in an SPD. This would involve producing a rigorous analysis of viability issues as part of the process.</p>
<p>Staffordshire County Council</p>	<p>Acknowledge that there has been close working between the two authorities on the Draft Charging Schedule and Regulation 123 list. Particularly in relation to education. On reflection they now consider their project listed as "replacement of temporary accommodation" to be too generic and wish to change it to make it clear that this would apply in parts of the District where there is likely to be a need for permanent buildings arising from housing growth. They therefore wish to replace the current wording in the R123 list with replacement of temporary accommodation with permanent accommodation in Hednesford and Rugeley.</p>	<p>Amend the R123 List as requested.</p>

	<p>They request that discussions take place about spending priorities and governance arrangements before the CIL examination takes place.</p>	<p>The Council has confirmed that discussions on spending priorities and governance arrangements can commence before the examination with a preliminary meeting due to take place in November 2014.</p>
<p>English Heritage</p>	<p>Support reference to conservation of heritage assets in the Infrastructure Delivery Plan (IDP). Encourage including additional text to refer to the historic environment in the Draft Charging Schedule.</p> <p>Recommend that the R123 List requests investment in the protection, conservation and enhancement of heritage assets and their settings. Support the inclusion of town centre management and public realm improvements in the IDP and suggest that there could also be opportunities for the historic environment in these broad terms.</p> <p>Development specific planning obligations should continue to offer opportunities for funding improvements to and mitigation of adverse impacts on the historic environment.</p> <p>The Charging Schedule should be fully informed by up to date evidence on heritage assets.</p>	<p>The Draft Charging Schedule already lists conservation of heritage assets as one of the IDP infrastructure categories.</p> <p>Investment in heritage conservation is largely secured via funding for public realm enhancements for which significant S106 funds and English Heritage partnership funding is already available/committed. There is a heritage dimension to footpath/cycleway schemes which use the routes of former mineral railways. Specific costed public realm projects to enhance Conservation Areas can be added to the R123 list in future years.</p> <p>Agreed where appropriate schemes come forward and the tests in Regulation 122 can be met.</p> <p>The evidence on heritage assets is up to date from Conservation Area Appraisals (Draft and/or Adopted), Management Plans and annual inspections of Listed Buildings.</p>

	Discretionary relief could be important in cases where viability of a scheme designed to secure long term viability of a heritage asset could be compromised by a CIL charge. Particularly in cases identified on the Heritage at Risk Register.	The discretionary relief policy we propose will in principle deal with the circumstances where a S106 agreement provides investment from enabling development to secure the long term viability of a heritage asset.
Hednesford Town Council	Notes the proposals	No further action
AONB Unit	Welcomes reference to SAC mitigation projects but would wish to see recognition of the needs and purposes of the AONB i.e. landscape, scenic beauty and quiet enjoyment in the list of projects which the AONB unit would be happy to identify. Also wish to understand whether there are any projects of relevance to the AONB which could be funded from existing or anticipated S106 funding.	Following further discussions with the AONB unit, they have confirmed that they currently have no specific projects worked up in sufficient detail to include in the R123 List. We have agreed that any relevant projects could be considered for inclusion in a future list for implementation from 2016/17 onwards
Solihull MBC	No comments at this stage	No further action
Theatres Trust	Support exclusion of assembly and leisure uses (classes D1 and D2) together with theatres from charging. Asks that consideration be given to including in the R123 list funding for community facilities other than those focussed on sport and recreation such as theatres, cinemas, concert halls, music venues (including pubs) museums, libraries and art galleries.	Note the support for a nil charge for D1 and D2 uses. The Council's partner Wigan Leisure Trust operate a museum and theatre on behalf of the Council in addition to two leisure centres and have no current proposals to improve these facilities which require funding from CIL. Community Centres across the District are generally operated by Parish and Town Councils. Rugeley Town Council also operates a theatre. Parish and

		<p>Town Councils will be provided with CIL funding from development taking place in their areas at a rate of 15%, increasing to 25% where there is an adopted Neighbourhood Plan and will have freedom to choose what they spend this funding on provided that it is in response to demands arising from new development.</p> <p>The District Council is planning to construct a new community facility at the former Cannock Stadium site in Chadsmoor to meet an identified need in this part of the District and this project is included on the draft R123 list.</p> <p>Library services are provided by the County Council who have not requested funding via CIL for this service.</p> <p>The Council does not believe that commercially operated cinemas or music venues would fall within the definition of infrastructure for the purpose of being eligible for CIL funds.</p>
<p>Environment Agency</p>	<p>Welcome the inclusion of the Rising Brook Rugeley Flood Alleviation Scheme in the R123 list and confirm that the cost estimate of £1.5 million is accurate.</p> <p>Urge consultation with Staffordshire County Council as lead Local Flood Authority on a property level flood protection scheme in Huntington.</p>	<p>Note support for inclusion of the Rising Brook FAS in the R123 List.</p> <p>The Huntington scheme is not relevant to this District as Huntington is in South Staffordshire District not Cannock Chase District and there is no additional impact on flood risk arising from developments</p>

		<p>proposed in this District. (The Environment Agency has since accepted that this comment was made in error and they have now withdrawn it).</p>
<p>Barton Willmore on behalf of the Church Commissioners for England (have land interests in the Bleak House area of the District)</p>	<p>Support the approach that the CIL rate should be defined by development type rather than locality, but have concerns about the assumptions made about greenfield values and the impact of the combination of CIL and affordable housing on viability of residential development. Question the validity of assumptions about the percentage of gross development value (GDV) which is an appropriate share to incentivise a landowner to bring forward sites for development and the assumptions about what base land values are appropriate to use which in both cases they consider to be too low. The appraisal assumptions are generally appropriate but there are some areas which are unrealistic and will not meet infrastructure requirements, specifically for schemes above 30 units where they consider that the assumptions about S106 infrastructure costs per unit should be a minimum of £5,000 not the £2,500 indicated. An alternative benchmark used by the industry is £360,000 per hectare. They recommend reviewing the assumptions used to inform the Draft Charging Schedule with residential land agents and market experts.</p> <p>They also state that additional evidence should be made available to demonstrate the future requirements in addition to those set out in the R123 list as future development is brought forward in the District.</p>	<p>The Council's consultants Adams Integra have confirmed that they believe that their assessment of benchmark values is reasonable, have taken account of appropriate requirements for Planning Obligations and contain sufficient "buffers" in the appraisals, including the fact that CIL has been applied to all units on a scheme whereas in reality the 20% affordable units would not pay. The recommended CIL charge of £40 per square metre is about half of the actual figure that the appraisals show is viable. The policy of seeking 20% affordable housing is low compared with other areas and a CIL charge of £4,000 for a 100 square metre house is not prohibitive to viability.</p> <p>Policy CP2 Developer Contributions for Infrastructure in the adopted Local Plan provides the broad policy context for how infrastructure is envisaged to be funded including from CIL. The</p>

	<p>Finally they point out that the Council needs to set out at examination how their S106 policies will change as a result of introduction of CIL and the extent to which S106 targets have been met.</p>	<p>amended Developer Contributions and Housing Choices SPD which has been subject to a parallel consultation sets out the post CIL adoption approach to planning obligations.</p> <p>The summary of S106 funding received and committed which is attached to the Draft Charging Schedule can be expanded to identify individual projects, thereby enabling easier cross-reference with the Draft R123 list. There are no major items of infrastructure currently identified as needing to be delivered to support the Local Plan and to be funded from CIL or S106 agreements which are not identified in the two lists.</p> <p>Pooled contributions via planning obligations from residential development for open space, sport/recreation, education and mitigation of impact on the Cannock Chase SAC will as a general rule cease with the introduction of CIL.</p> <p>No change to the Draft Charging Schedule is therefore proposed.</p>
<p>Office of the Police and Crime Commissioner Staffordshire</p>	<p>Requests funding for additional demands on police services arising from the housing growth proposals in the Local Plan. Welcomes inclusion of policing in the Infrastructure Delivery Plan but request that CIL contributions to mitigate the impact of additional demands on policing of population growth be included in</p>	<p>It is agreed that funding for physical infrastructure to support growth in demand for policing arising from new housing growth is in principle a legitimate candidate for CIL funding. However from the list of items identified by the PCC only custody provision- if this is meant to refer to a building or extension to a</p>

	<p>the R123 list. Notes that police stations and other community safety facilities are identified in national CIL guidance as legitimate projects for spending CIL funds.</p> <p>An analysis is provided of how contributions towards policing would meet the three tests in Regulation 122 which S106 agreements must meet in order to constitute reasons for granting planning permission. Reference is also made to the policies in the NPPF to community safety and community cohesion as being important to delivery of sustainable development.</p> <p>The list of “items” for which funding from CIL is being sought comprises staffing, custody provision, uniforms and protective clothing, patrol vehicles, recruitment costs, training, IT equipment and furniture.</p> <p>Finally the PCC reserves the right to object to the Charging Schedule if the Council does not recognise the critical nature of community safety services.</p>	<p>building - would fall within the definition of infrastructure. This position has been confirmed by The Council’s Legal Services.</p> <p>The reference to the S106 tests is not relevant to the Charging Schedule as these would relate to individually negotiated S106 agreements.</p> <p>The Commissioner has not identified any specific project for inclusion on the R123 list but the Council would be happy to discuss the potential for infrastructure projects to be included on the list in future.</p>
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