

<b>Report of:</b>	<b>Head of Economic Development</b>
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<b>Portfolio Leader:</b>	<b>Planning and Economic Development</b>
<b>Key Decision:</b>	<b>Yes</b>
<b>Report Track:</b>	<b>Cabinet: 17/07/14</b>

**CABINET**  
**17 JULY 2014**  
**DRAFT COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE AND A**  
**DRAFT DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING**  
**DOCUMENT**

**1 Purpose of Report**

- 1.1 To seek Cabinet approval to publish a draft Community Infrastructure Levy (CIL) charging schedule together with a draft Developer Contributions Supplementary Planning Document (SPD) and carry out consultation with stakeholders on these proposals with a view to formal adoption as Council policy.

**2 Recommendations**

- 2.1 That the proposed charging rates set out at paragraph 3.7 be published as a draft CIL charging schedule for consultation purposes together with the draft list of infrastructure projects (Regulation 123 list) at Appendix A which it is intended be funded in whole or in part from CIL receipts in the first year of operation of CIL charging.
- 2.2 That the draft Developer Contributions SPD at Appendix B be published for consultation purposes to be carried out in parallel with the CIL consultation.
- 2.3 That the Head of Economic Development in consultation with the Portfolio Leader for Economic Development & Planning be authorised to make minor amendments to Appendix A (CIL Draft Regulation 123 List of Projects) and B (Developer Contributions SPD) if required, prior to their publication for consultation and approve details of the consultation generally in accordance with section 5 of the report. That the Leader for Economic Development and Planning be authorised to consider the results of the consultation on the Draft Charging Schedule and Regulation 123 List of infrastructure projects and, subject to there

being no significant issues requiring re-assessment of the proposals that they be taken forward to examination.

- 2.4 That a further report be submitted to Cabinet setting out the responses to consultation on the SPD and proposals for its adoption along with the outcome of the CIL examination.

### **3 Key Issues and Reasons for Recommendation**

- 3.1 The Community Infrastructure Levy (CIL) was introduced by Government in 2010 as a means for Local Planning Authorities (LPAs) to fund infrastructure required to support development proposed in a Local Plan. It is seen as a fairer way of obtaining funding than the previous system which involved greater reliance on individual planning obligations (Section 106 agreements or unilateral undertakings) predominantly from a few major developments, with many smaller schemes making no direct contribution to the funding of infrastructure. Most new development relies on infrastructure in some form or other, even if this is needed because of the cumulative impact of a large number of small developments. The definition of infrastructure in the Community Infrastructure Levy (England and Wales) Regulations 2010 (as amended) (these have been amended several times since and are hereafter referred to as the CIL Regulations) includes roads and other transport facilities, flood defences, schools and other education facilities, medical facilities, sport and recreation facilities and open spaces, but this list is not meant to be exhaustive. CIL is effectively a tax capable of being levied on most types of new built development charged in £s per square metre of the gross internal floorspace of buildings net of any demolitions. Affordable housing developments and development by Charities are exempt from the charge.
- 3.2 At the meeting on 21/11/2013 Cabinet agreed to consult on proposals for a Preliminary Draft Charging Schedule. A summary of the consultation responses is set out at Appendix C. The implications for proposed amendments to the Draft Charging Schedule are explained in paras. 5.9 to 5.11 below. The one proposed change to the Draft Charging Schedule is the recommendation not to levy a charge for specialist market housing complexes for the elderly.
- 3.3 In order to introduce CIL within the District the following key requirements need to be met –
- There must be an up-to-date Local Plan to set the policy context for the proposed charges. The Local Plan Part 1 2006/2028 was adopted by Council on 11 June 2014.
  - There must be evidence from the Infrastructure Delivery Plan (IDP), which accompanies the Local Plan, that there is a need for some funding to be provided from CIL, having taken into account all other funding sources including S106 agreements, agreements under S278 of the Highways Act, service providers own funds, grants and loans from Government or European funding. The current evidence on the extent of the funding gap is that it amounts to over £10 million.

- The Regulations specify that in setting levy rates charging authorities “must strike an appropriate balance between” the desirability of funding infrastructure from CIL and “the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area”. The viability evidence described in paras 5.5-5.8 below provide the basis for meeting this requirement.
- 3.4 The latest version of the IDP (May 2014) identifies which projects may require funding from CIL. This has been used to compile a draft list of projects in liaison with Staffordshire County Council (education and transport) known as a Regulation 123 list which is set out at Appendix A.
- 3.5 Evidence on viability was commissioned in the form of two reports from consultants Adams Integra, one relating to residential development and one to all other forms of commercial development produced in July 2013. Both of these were used as evidence in support of the Local Plan, in particular in the former case, the policy of seeking 20% affordable housing on commercial housebuilders’ sites. No significant issues were raised by any parties making representations to the Local Plan examination about the content and recommendations in these reports and the Inspector accepted the conclusions in making his decision that the Plan is sound. The methodology used to identify recommended charging rates is set out in paragraphs 5.5 to 5.8 below. Updates of the reports are currently being prepared to be ready in time for the Draft Charging Schedule consultation.
- 3.6 The latest guidance from the Department for Communities and Local Government (February 2014) elaborates on the factors to consider in striking a balance between the need for CIL funds and the impact on viability. These are explained in more detail in paragraph 5.6 below. In summary the advice is that LPAs should use appropriate available evidence on viability but “should avoid setting rates right up to the margin of viability across the vast majority of sites in their area”. The Adams Integra recommendations follow this advice.
- 3.7 So Cabinet is recommended to authorise consultation on the following rates in the draft charging schedule:-
- Residential development **£40** per square metre but excluding retirement housing which would be a **nil** charge.
  - Retail - large foodstores and retail warehouse/retail park developments only **£60** per square metre.
  - All other forms of development a **nil** charge.
- 3.8 The consultation also includes proposals for relief from charges where infrastructure costs incurred via planning obligations when added to CIL charges could make development unviable and proposals for payments by instalments set out in paras 5.22 and 5.24 below.
- 3.9 Finally the introduction of CIL means making changes to the policies on the circumstances when S106 agreements are negotiated. As indicated in the Local Plan a revised Developer Contributions SPD has been produced for consultation to set out these changes to S106 agreements. This includes policy elaboration

on the process for delivering affordable housing via S106 agreements in addition to infrastructure also as indicated in the Local Plan.

## **4 Relationship to Corporate Priorities**

4.1 These proposals support the Council's Corporate Priorities as follows:

### Environment and planning

- Increase the economic, social and environmental prosperity of the District through delivery of sustainable development.
- Improve town centres through regeneration and management.

### Active and healthy lifestyles

- Provide accessible leisure and cultural facilities.
- Encourage investment in sporting and cultural facilities.

### Improved living environment

- Improve countryside site provision.

### Housing

- Increase the supply of affordable housing.

## **5 Report Detail**

5.1 The case for introducing CIL in Cannock Chase District

CIL has been introduced nationally as a potential new funding source for infrastructure based on the principle that all new built development should make a financial contribution (excluding affordable housing and development by charities) subject to viability considerations. The CIL Regulations made significant changes to the scope for use of S106 agreements, particularly in relation to the use of "pooled" financial contributions to infrastructure. "Pooled" contributions have been an established feature of S106 agreements in this District and many others across the country. This is how the cumulative impact of relatively small developments have particularly supported open space and education provision in the District, using formulae contained in the Developer Contributions Supplementary Planning Document 2008. So, for example, the cumulative impact of several small residential schemes may justify provision of new or improved children's play facilities on an existing site which can only be delivered from the total amount of "pooled" funding collected. For open space contributions the policy only applies to developments of 10 or more dwellings

and for education contributions 7 or more, so smaller schemes have made no contribution at all.

5.2 The new system introduced under CIL Regulations limits the use of “pooled” contributions towards a specific infrastructure project to no more than five S106 agreements after 6th April 2015 or the date of adoption of an LPA’s charging schedule, whichever is the earlier. If five or more S106 agreements have already been completed before the relevant date no more can be entered into to support the same project. Alternatively if fewer have been completed the absolute limit after the due date is a total of five.

5.3 So there is a clear financial incentive for the Council to adopt CIL both as a substitute funding stream for the “pooled” contributions process and to capture funding from other developments which currently pay nothing towards infrastructure.

5.4 Regulation 123 list of projects to be funded by CIL

The CIL Regulations require the Council to publish a list of projects it intends to fully or partially fund from CIL receipts. Any project on the list cannot obtain funding from a new S106 agreement completed after adoption of the charging schedule as well as CIL. If no list is produced the Regulations provide that no funding towards infrastructure of any kind can be provided from S106 agreements. So clearly a list of projects is required and a draft list is set out at Appendix A to this report. This aims to reflect the Council’s current corporate priorities together with those of Staffordshire County Council in relation to education and transport projects. It also includes provision for funding mitigation of impact of new housing development on the Cannock Chase Special Area of Conservation which is essential to meet the requirements of the Habitat Regulations. The criteria for sharing of CIL funding received between the District and County Councils will need to be managed by a formal governance agreement to be agreed between the two Councils to be operated from when a charging schedule is formally adopted. The list may be changed on an annual basis to reflect new priorities as they arise and/or alternative sources of funding being obtained outside the CIL/S106 system.

5.5 Analysis of Viability

Establishing what forms of development can support a CIL charge and remain viable is the key consideration in bringing forward charging rates. This will be the main issue to be tested at the CIL examination and the main purpose of the consultation on the draft charging rates is to seek to agree the validity of the viability evidence with the development industry and other stakeholders.

5.6 The Council does not have to prove that the proposed charging rates will have no impact on the viability of all development across the District but rather that the “charging rates will contribute positively towards and not threaten the delivery of the relevant Plan as a whole at the time of charge setting and throughout the economic cycle” (DCLG guidance February 2014). Account will need to be taken of the costs of infrastructure delivered via S106 agreements on major sites and of the financial implications of provision of affordable housing which also remains the subject of S106 agreements.

- 5.7 Using well established methodologies which assess land values, construction costs, the cost of planning obligations, including provision of affordable housing, revenues in the form of house prices, commercial rents and developers profits, the Adams Integra reports recommend that a CIL charge can only be justified for two forms of development within the District, housing and large scale retail schemes. The recommended rates set out in paragraph 3.7 above meet the DCLG guidance in that they are not set at the limit of viability. Adams Integra also examined charging rates in operation or being proposed in other parts of Staffordshire and the West Midlands. These are summarised in the appendix D. As part of their update work they have specifically been asked to examine the implications of the rates being proposed in Lichfield District Council's Preliminary Draft Charging Schedule.
- 5.8 The size of this District and the absence of significant differences in land values across it justifies having a simple system of single rates. The common theme from the published preliminary drafts, and adopted schedules listed in appendix D is that class B employment uses (apart from offices in Birmingham) cannot sustain a CIL charge and that the main uses that are generally viable are residential and retail. Nil rates being levied for residential in some areas generally reflect inner city locations in need of regeneration funding.
- 5.9 Responses to key issues raised by consultees on the Preliminary Draft Charging Schedule
- Of the 18 responses only 3 raised issues in relation to potential viability implications of the proposed £40 per square metre charge for residential development which require further consideration. These issues are discussed briefly below. One other response suggested reducing the charge for retail development from £60 per square metre to £20. No viability evidence was offered in support of this proposal and another respondent on behalf of a named retailer indicated that £60 would not have an impact on viability, so no change is proposed here.
- 5.10 The first issue relating to the residential charge is in relation to the viability of retirement housing, where typically a development of say 50 flats also includes substantial communal facilities for residents and has to be built as a single project. Typically the timescale to achieve sales of all the units might take two or more years. The Adams Integra report recognised that this specialist type of accommodation did have viability problems and case specific evidence submitted on behalf of two companies providing this type of development confirmed this. There is only likely to be limited development of this type in the District during the plan period and on the basis of the current evidence it is considered appropriate to levy a nil charge. Negotiation of an affordable housing element on site via a S106 agreement would still be carried out.
- 5.11 Two representations on behalf of small house builders express concern about viability issues applying to this sector. No detailed viability evidence has been produced by them but it is considered that further examination of viability for small housing developments be carried out as part of the consultation process. The key point is to assess the implications of levying the CIL charge on

developments which have not in the past been required to make financial contributions under S106 agreements.

5.12 Analysis of funding provided or committed from S106 agreements 2008/2014 and likely future short term S106 funding.

The tables in Appendix E show the amounts of funding received by this Council and Staffordshire County Council for the period 2008/9 to 2013/14, together with funding committed in agreements recently completed or about to be completed. In addition an estimate is produced of further S106 funds likely to be committed from housing proposals which it is anticipated will obtain planning permission before the proposed introduction of CIL charging in January 2015. This provides contextual information on the overall amount of historic and committed future S106 funding compared with what is likely to be raised via CIL, described in paragraphs 5.15 and 5.16 below. The local planning policy basis for negotiating agreements during the period up to June 2014 was contained within the Cannock Chase Local Plan March 1997, originally elaborated in the Developer Contributions SPG November 2000, then replaced by an updated Developer Contributions SPD in November 2008. The latter document includes a tariff based approach to contributions for education, public realm, health facilities, library facilities, open space sport and recreation facilities. Contributions to transport infrastructure, sustainable travel, cultural and community facilities have been determined on a site by site basis. During much of this period when the economy was in recession not all tariffs have been collected for health and library facilities and some reductions in funds collected for open space sport and recreation have been negotiated to take account of viability issues. From July 2013 until June 2014 an interim policy on financial contributions to mitigate the impact of new housing development on the Cannock Chase Special Area of Conservation has been in operation in order to ensure that the Council complies with its obligations under the Habitat Regulations. All these policies are now replaced by the adopted Local Plan policies and the draft SPD which is the subject of this report, explained in more detail at paras. 5.25 to 5.29 below.

5.13 During this period affordable housing secured by S106 agreements on market housebuilders' developments, in most cases delivered on site, has been sought on developments of 15 or more units, initially with a target of 25%, reducing to 14% from 2009 to early 2014. The new Local Plan Part 1 Policy CP7 sets a target of 20%. Total supply achieved by this means from 2008/9 to 2013/14 is 103 units. There are further commitments in recently completed or about to be signed S106 agreements for a minimum of 322 units. On four major sites at West of Pye Green Road, Pye Green Valley, Norton Hall Lane, Norton Canes and Red Lion Lane, Norton Canes delivery is likely to be over an extended period between 2015 and 2024.

5.14 The sources of S106 funding for infrastructure will be significantly reduced in future for two main reasons –

- Of the 5300 dwellings required to be delivered 2006/2028, 2055 had been completed by the end of 2013/14 and a further 2300 are committed on the four major sites noted above which have recently completed or about to be completed s106 agreements.

- The constraint on pooling of S106 funds from smaller development following adoption of a CIL Charging Schedule.

5.15 Estimate of funding which could be generated in the District to the end of the Local Plan period 2028

In relation to housing development as noted above, many large development sites already have the benefit of planning permission and are committed to provide substantial funding towards infrastructure via S106 agreements. This funding will continue to be received as phased developments proceed over the next 10 years. Developments only become liable for CIL at the time planning permission is granted after the adoption of a charging schedule. Subject to completion of a successful examination in the Autumn of this year, it is planned to introduce CIL with effect from 1 January 2015. An analysis has been undertaken using the proposed charging rate of £40 per square metre for residential development and applying this to sites in the Strategic Housing Land Availability Assessment, discounting for some non-implementation and a proportion of affordable housing which is not liable to pay CIL. Taking an average floorspace per dwelling of 85 square metres at the proposed £40 per square metre charge gives potential receipts from this source of **£3,740,000** from 2015 to 2028 which is within the range of £3.4 to £4 million quoted in the 21/11/2013 Cabinet report.

5.16 It is very difficult to predict the amount of new retail development in the District over this period. It is not anticipated that there will be any new schemes within the chargeable categories proposed until after 2017/18. A net new floorspace of 25,000 square metres would generate receipts of **£1,500,000** but this should not be taken as a commitment.

5.17 The CIL Regulations require 15% of CIL receipts from a development within a Parish to be passed to the relevant Parish Council, which increases to 25% where Parishes have adopted Neighbourhood Plans. The only Parishes within the District currently proposing to produce a Neighbourhood Plan are Brereton & Ravenhill and Hednesford Town. Where development is not within a Parish the Council is required to spend 15% of CIL receipts to “support the development” of the area where the development is located.

5.18 As noted above negotiations will need to take place with the County Council and other infrastructure providers in relation to the amount of funding to be allocated to projects which are not to be delivered by this Council.

5.19 CIL rates are automatically increased annually, using national inflation measures but any other changes to the Charging Schedule require a new examination.

5.20 Infrastructure Costs and the funding gap

The Infrastructure Delivery Plan (IDP) May 2014 identifies a funding gap which CIL could potentially go some way towards addressing for the following broad categories of infrastructure –

- Local highway and other transport improvements.

- Flood prevention.
- Public realm improvements.
- Open space sport and recreation facilities.
- Mitigation of impact of new housing development on the Cannock Chase Special Area of Conservation.
- School buildings.
- Community and cultural facilities.
- Conservation of heritage assets.

5.21 The IDP currently identifies indicative costs for a range of infrastructure items and projects which may need to be funded from CIL. The indicative costs suggest the funding required will substantially exceed likely CIL receipts as follows –

- Transport infrastructure (excluding Hatherton Branch Canal project) £5 million.
- Indoor and outdoor formal sport and recreation provision £4 million.
- Flood prevention works for Rugeley Town Centre £1.5million.
- Cannock Chase Special Area of Conservation mitigation of visitor impact £2 million split between the 5 partnership local planning authorities.

#### 5.22 Discretionary Exceptional Circumstances Relief

The CIL Regulations provide for a process of discretionary relief from liability to pay CIL in respect of chargeable development, where the cost of complying with a Planning Obligation (S106) would have an unacceptable impact on economic viability of a development to the extent that the charging authority considers that paying the full levy would have an unacceptable impact on the development's economic viability, but that the relief would not constitute a notifiable state aid. It is recommended that Cabinet agree the principle of adopting a relief policy. Details don't need to be provided at this stage.

#### 5.23 Land and Infrastructure payments

The Council can accept payment in the form of land and/or infrastructure as an alternative to cash payment. In order to offer these options a policy document must be published setting out in what circumstances these alternative types of payment would be appropriate. This does not need to be produced at this stage.

#### 5.24 Payment by instalments

The Council can choose to adopt a policy on payment by instalments in order to assist with viability and deliverability. In addition large scale developments which may be delivered over a number of years may be divided into phases for payment purposes. The policy must be published on the Council's website. This does not need to be produced at this stage but it is considered appropriate at this stage for Cabinet to agree to the principle of having an instalments policy.

## 5.25 Local Plan Policies and Developer Contributions SPD

The relevant Local Plan is the adopted Local Plan (Part 1), June 2014. Policy CP2 – Developer Contributions for Infrastructure sets the context for taking forward a CIL Charging Schedule and revised Developer Contributions SPD. Policy CP5 – Social Inclusion and Healthy Living sets out the key elements of local infrastructure that CIL and Planning Obligations (S106) may need to support. Policy CP7 – Housing Choice identifies the requirement for 20% affordable housing on developments of 15 or more units to be secured via S106 agreements and financial contributions to affordable housing via S106 agreements on smaller developments. Policy CP13 – Cannock Chase Special Area of Conservation (SAC) sets the context for mitigation of the impact of housing development on the SAC which can be via S106 agreements on large sites and via CIL to address the cumulative impact of small developments.

5.26 The Draft Developer Contributions SPD sets out the Council's overall framework for developer contributions, including planning conditions, Planning Obligations and CIL. It sets out the relationship between these different types of developer contributions, focusing on the Council's revised approach to S106 agreements once CIL is adopted. This reflects national legislation and regulations in terms of recognising the limit of five S106 agreements which can be 'pooled' towards one item of infrastructure. It sets out key areas in which S106 agreements may still be sought alongside CIL charges.

5.27 As set out above, S106 agreements will still be used to secure affordable housing provision. The SPD provides more detail on the nature of affordable housing provision the Council is seeking (e.g. tenure and housing mix) and the process for reviewing the affordable housing target in the future, should market conditions change (in accordance with Local Plan Policy CP7).

5.28 The SPD sets out how S106 agreements may also still be used to address site or scheme specific issues in relation to open space, sport and recreation; education; transport and biodiversity (as well as other less frequent items, such as flood risk alleviation). It is envisaged that S106 agreements will in the future be reserved for larger scale schemes which are generating their own infrastructure needs separate to the wider infrastructure needs being generated cumulatively by all development proposals within the Local Plan. This may include, for example, provision of an on-site play area; funding of highways improvements directly related to the site; or funding of a flood risk alleviation measure to address development specific flood risk issues. In relation to highways improvements, the SPD also refers to Section 278 agreements.

5.29 In preparing the draft Developer Contributions SPD account has been taken of comments received to the Preliminary Draft CIL Charging Schedule. The SPD has been produced in conjunction with internal and County Council colleagues.

## 5.30 Consultation

In carrying out the consultation the Council will need to comply with the CIL Regulations which require the following bodies to be consulted –

- The County Council

- Adjoining District/Unitary Authorities
- Parish Councils

5.31 In addition to the consultation bodies, it is intended to invite representations from residents, businesses, voluntary bodies and bodies representing the interests of business in the area as done so for the Preliminary Draft Charging Schedule. It is not proposed to write to every resident and business in the District but to invite representations in the following ways –

- Publish on the Council's website.
- Publicise in the Press.
- Write to key developers, business organisations and voluntary organisations.
- Organise consultation events to cover public and private sector interests with one specifically for small housebuilders.
- Make the relevant documents available for inspection at public venues in the District, namely Council offices and libraries.

In relation to the Developer Contributions SPD, the document will also be made available in accordance with the relevant regulations. The Council will consult those same bodies and use the same consultation methods as for the CIL. The Council will make available a 'consultation statement' alongside the SPD to set out how the draft has been produced to date and details of how people are able to respond.

5.32 Internally the Economic Development and Planning Policy Development Committee's views will be invited.

5.33 It is intended that the consultation run for 6 weeks. These consultation proposals are in accordance with the Council's adopted Statement of Community Involvement (2014).

## **6 Implications**

### **6.1 Financial**

The adoption of the Community Infrastructure Levy (CIL) will allow the Council to fund any necessary improvements to the District's infrastructure as a result of new developments taking place; these would otherwise be unfunded.

As detailed in para 5.15 & 5.16 the initial estimates for funding generated by CIL, (assuming the CIL rates suggested in para 3.7), is in excess of £5m for the period January 2015 to March 2028. The Council will be required to pass on a minimum of 15% of future CIL receipts to the relevant Parish Council within the District and also a further % to the County Council subject to negotiation.

As referred to in para 5.4 a list of projects to be funded from CIL is required and a draft list will accompany the draft charging schedule and form part of the consultation process. It is anticipated that the costs of the consultation process will be contained within existing budgets.

The Council is entitled to use up to 5% per annum of CIL receipts for each financial year for administration. To date the Council has incurred costs of approximately £15k on external fees and will incur an additional cost for the external examination of the Charging Schedule. It is anticipated that the Council will be able to reimburse these costs from future years CIL receipts (5% Administration).

As referred to in para 5.12 the attached Appendix E summarises the S106 Funding received by this Council and Staffordshire County Council for the period 2008/9 to 2013/14, together with funding committed in agreements recently completed or about to be completed. It should be noted that some of these agreements continue for several years after the introduction of CILs ie West Pye Green up to 2024. In addition an estimate of further S106 funds likely to be committed from housing proposals, which it is anticipated will obtain planning permission before the proposed introduction of CIL charging in January 2015, are also shown.

Further reports will be submitted once the outcome of the examination is known. These reports will contain more detailed financial implications as and where appropriate.

**6.2 Legal**

The legal implications are set out in the report.

**6.3 Human Resources**

None

**6.4 Section 17 (Crime Prevention)**

None

**6.5 Human Rights Act**

None

**6.6 Data Protection**

None

**6.7 Risk Management**

None

**6.8 Equality & Diversity**

None

6.9 **Best Value**

None

**7 Appendices to the Report**

Appendix A	Draft Regulation 123 List of Projects
Appendix B	Draft Developer Contributions SPD
Appendix C	Summary of and comments on responses to Preliminary Draft Charging Schedule consultation
Appendix D	Summary of other LPAs in the West Midlands CIL proposals
Appendix E	Summary tables of S106 funding 2008 -2014 and projected future funding

**Previous Consideration**

Cabinet	21/11/2013
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**Background Papers**

Community Infrastructure Levy Regulations 2010, 2011, 2012, 2013, 2014.

Community Infrastructure Levy Guidance February 2014 ( DCLG )

Cannock Chase Local Plan Part 1 as adopted

Reports by Adams Integra -

Economic Viability Assessment of Affordable Housing August 2013

Community Infrastructure Levy Non-Residential Viability Report August 2013

Infrastructure Delivery Plan May 2014

CANNOCK CHASE DISTRICT COUNCIL COMMUNITY INFRASTRUCTURE LEVY				
Draft CIL Regulation 123 List 2014 (note -not in priority order)				
Site	Town/Location	Description of works	Evidence base - reference numbers from Local Plan (Part 1) list of evidence documents	Costs
Conduit Road to Albutts Road mineral line	Norton Canes	Upgrade stoned path to cycleway to connect existing cycleway routes	Cannock Chase Integrated Transport Strategy - 99a	£48,000
Norton Canes Community Centre	Norton Canes	Pitch Improvements	PPG17 Open Space Sport & Recreation Facilities Studies- 129, 129a, 129b	£98,000
Heath Hayes Park	Heath Hayes	Pitch Improvements	129, 129a 129b	£300,000
Heath Hayes Park	Heath Hayes	Ancillary Facilities - Changing Rooms	129, 129a, 129b	£700,000
Heath Hayes Park	Heath Hayes	Car Parking	129, 129a 129b	£200,000
Heath Hayes Park	Heath Hayes	Refurbish Tennis Courts/Fencing	129, 129a, 129b	£90,000
Hednesford Park	Hednesford	Pitch Improvements	129, 129a, 129b	£200,000
Hednesford- Rawnsley mineral line	Hednesford/Rawnsley	Create cycleway on former mineral line to provide off road safe route from Rawnsley to Hednesford and linking into the Chase.	99a	£100,000
Cannock Park	Shoal Hill/Longford	Replace 2 space nets, 2 multi units and resurface wet pour.	129, 129a, 129b	£120,000
Cannock Park	Shoal Hill/Longford	Refurbish heating system for showers, re-tile showers and refit changing rooms	129, 129a, 129b	£40,000
Avon Road (former MEB sub station)	Shoal Hill/Longford	Install new Local Equipped Area for Play (LEAP) area	129, 129a, 129b	£100,000
Laburnum Avenue Recreation Ground	Shoal Hill/Longford	Pitch Improvements	129, 129a , 129b	£98,000
Green Lane	Rugeley/Etching Hill	Pitch Improvements	129, 129a, 129b	£150,000
Former Cannock Stadium	Chadsmoor	Site Redevelopment - Pitch and Drainage improvements, Fencing, Artificial Grass Pitch (AGP), Access, Social Picnic Areas, Community Buildings, Pathways, Trim trail and allotments	129, 129a 129b	£1,900,289
Old Fallow Road	Chadsmoor	Pitch Improvements	129, 129a, 129b	£98,000
Rugeley Leisure Centre Artificial Turf Pitch Extension (ATP)	Rugeley/Hagley	Extend ATP into full size pitch and lighting upgrade	129, 129a, 129b	£400,000

ITEM 25.15

AGP in Hednesford	Hednesford	Develop a new full size AGP in Hednesford including changing facilities, car parking and access	129, 129a, 129b	£600,000
Elmore Park	Rugeley/Western Springs	Dredge lake and stabilise banks	Rugeley Town Centre Strategic Flood Risk Assessment- 117	£500,000
Land south of A5190 Norton Canes	Whole District	Develop new Burial Space for South of District	Internally generated evidence of need for additional burial space.	£1,000,000
Cannock Chase Special Area of Conservation (SAC) Mitigation Measures (excluding on-site recreation space for developments of 50 dwellings or more)	Whole District	Measures to mitigate impacts of increased recreational pressure upon the Cannock Chase SAC arising from new housing developments within the District (excluding on-site recreation space for developments of 50 dwellings or more). Costs for CCDC currently approx 1/5 of £2m for entire SAC partnership area.	145-149 (inclusive)	£400,000
Heath Hayes and Wimblebury Parish	Heath Hayes and Wimblebury	Expansion of existing primary school provision by up to 210 additional places in the Heath Hayes and Wimblebury Parish.	Planning of School Places and Education Planning Obligations Policy- 88, 89	
Rugeley and Brereton	Rugeley/Brereton	Land acquisition and associated costs to provide additional primary school places in Rugeley	88,89	
West Hill Primary School	Hednesford	Expansion of West Hill Primary to provide an additional 105 places	88, 89	
Hob Hill Primary School	Brereton and Ravenhill	Expansion of Hob Hill to provide an additional 105 primary school places	88, 89	
District wide schools	District wide	Replacement of temporary accommodation	88, 89	
<b>TOTAL COST OF EDUCATION ITEMS</b>				£4,416,000
Cannock, Rugeley and Hednesford town train stations	Cannock, Rugeley and Hednesford	Upgrades to train stations to support Chase Line improvements	99a	TBC
Five Ways Island	Heath Hayes and Wimblebury	Delivery of Five Ways Junction Improvement (part of Local Pinch Point Package Programme)	99a	£300,000
Rugeley Town Centre (Hagley Park)	Rugeley	Rugeley Town Centre Flood Alleviation Scheme	117	£1,500,000

**ITEM 25.16**

Hednesford, Rugeley, Brereton and Norton Canes	Hednesford, Rugeley, Brereton and Norton Canes	Initial programme to replace bus shelters (15), bins (15) , benches (15) and provide cycle racks (3)	Internally generated evidence of need for upgrades.	£121,000
<b>TOTAL COST OF PROJECTS</b>				<b>£13,479,289</b>

## **Developer Contributions and Housing Choices SPD**

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## 1. Introduction

### 1.1. Purpose and scope of this document

This Draft Supplementary Planning Document (SPD) sets out Cannock Chase District Council's policy for securing developer contributions from new developments that require planning permission (and for prior approval applications which raise specific issues in relation to the Habitat Regulations). It is aimed at all stakeholders in the development management process, including developers, agents, infrastructure providers and the general public. It seeks to provide a clear understanding of how funding for infrastructure or actual delivery of infrastructure will be achieved using Planning Obligations under S106 of the Town & Country Planning Act 1990 (hereafter referred to as Planning Obligations), agreements under S278 of the Highways Act 1980 and the Community Infrastructure Levy (CIL). The document also sets out the Council's approach in relation to the use of Planning Obligations to deliver affordable housing.

All new development has the potential to increase demand for local infrastructure and services. In order to ensure that development is sustainable it is crucial for planning proposals to contribute to infrastructure and services, such as transport links, open space and education, the need for which arises from both housing and all forms of commercial development. In Cannock Chase, the use of conditions attached to the grant of planning permissions and/or Planning Obligations and Highways Act agreements have helped ensure provision of the necessary infrastructure and services to support sustainable development. However, the introduction of a Community Infrastructure Levy (CIL) charging regime within the District will mean that some future contributions will be made in the form of CIL payments, rather than through Planning Obligations. This means there will be fewer developments requiring the completion of Planning Obligations in the future and more developments, from small to large, contributing to District-wide infrastructure needs via CIL.

This document therefore sets out the Council's approach to all forms of contributions to infrastructure to be delivered via planning processes and the relationship between them. The SPD provides the following information:

1. **Introduction**- provides an overview of the purpose and scope of the document, including its linkages to adopted planning policies, other SPDs and the supporting evidence base for the planning contributions framework in the District. It also provides an overview of the consultation process and its impact upon the evolution of the SPD.
2. **The Council's Planning Contributions Framework**- provides an explanation of each of the three types of contributions that the Council will seek in new developments to ensure sustainable development that accords with the Council's adopted planning policies. A discussion of each individual element is then concluded with an explanation of the relationship between them, particularly focusing upon the future interaction between CIL charges, Planning Obligations and also Section 278 agreements.
3. **The Council's Approach to Planning Obligations**- provides a more in-depth explanation of how Planning Obligations will be sought in relation to specific items of infrastructure. This includes the standards and levels of contributions that will be applied.

## 1.2. Planning Policy and Legislative Context and evidence base

The National Planning Policy Framework (NPPF, 2012) sets out the approach Local Planning Authorities should take to planning contributions in the context of both local plan making and development management decision making.

In relation to local plans, the NPPF (Para 173) states that *“plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”* This means that the Council needs to carefully consider the financial implications of its planning contributions policies so that the sustainable development needed in the District does take place.

In relation to specific Planning Obligations, the NPPF (Para 203-205) sets out a series of tests, in line with the CIL Regulations 2010 (as amended) which must be met in order for an obligation to be acceptable. These are discussed further in Section 2. It also refers to the need for Local Planning Authorities to be mindful of changing market conditions over time and take these into consideration when seeking obligations. In relation to planning conditions, the NPPF (Para 206) states that they *“should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”*

Local Planning Authorities are able to secure Planning Obligations via Section 106 of the Town and Country Planning Act (1990 as amended). Improvements to the highways network can also be secured via Section 278 of the Highways Act (1980). The Planning Act (2008) introduced the power for Local Planning Authorities to adopt a CIL charging regime. CIL Regulations were published in 2010 to provide the detail on implementation, and they have since been amended in 2011, 2012, 2013 and 2014. These CIL Regulations are discussed in more detail in Section 2 and in the Cannock Chase Council CIL Guide to accompany the CIL Draft Charging Schedule. The national CIL Guidance (2014) sets out how the Local Planning Authority should take forward its CIL from the preliminary draft stage through to adoption.

The Cannock Chase Local Plan (Part 1) was adopted in June 2014 and it is the statutory development plan for the District. The Local Plan (Part 1) was subject to viability assessments, in accordance with NPPF requirements. This SPD is supplementary to the adopted Local Plan (Part 1) particularly Policies CP2, CP3, CP5, CP7, CP13 and CP16. It should be considered alongside the CIL Draft Charging Schedule and the Council's Draft CIL Guide. Once adopted, this Developer Contributions and Housing Choices SPD will replace the extant adopted Developer Contributions SPD and Housing Choices SPD (both 2008). It will form part of the Districts' Local Development Framework (LDF) and will be a material consideration in the determination of planning applications.

The Council is taking forward its CIL charging regime and has recently published its Draft Charging Schedule for consultation, with examination anticipated in autumn 2014. Evidence supporting the Local Plan (Part 1) and CIL charging schedule informs this SPD. This principally includes the following documents related to viability and infrastructure requirements:

- [Economic Viability Assessment of Future Development of Affordable Housing in Cannock Chase](#) (Adams Integra, September 2013)

**Comment [s1]:** Adams Integra to provide update for 2014 in advance of examination

- [Community Infrastructure Levy Non-Residential Viability Report](#) (Adams Integra, September 2013)
- [Cabinet Report - Interim Planning Policy on Planning Obligations Relating to Impact of New Residential Development on the Cannock Chase Special Area of Conservation](#) (CCC, 25th July 2013)
- Various evidence base documents (including Appropriate Assessments; Open Space, Sports and Recreation Studies; Strategic Flood Risk Assessments; Staffordshire County Council Transport Strategies) supporting the infrastructure requirements for the District, as summarised in the Infrastructure Delivery Plan (May, 2013 (to be updated in 2014)).

**Comment [s2]:** Revised versions available of new costs?

The Council is now producing its Local Plan (Part 2) to set out any further detailed planning standards required and to identify site-specific allocations, including a review of the Green Belt. As the Local Plan (Part 2) progresses along with new evidence base documents, the content of this SPD will be kept under review and updated as necessary.

### 1.3. Consultation

Consultation for this SPD has been undertaken in accordance with the Council's adopted Statement of Community Involvement (SCI, 2014). The Draft SPD has been informed by preliminary consultation with key relevant stakeholders including the County Council and infrastructure service providers in Cannock Chase Council. Members of the District's Strategic Housing Land Availability Assessment (SHLAA) Panel, which includes development industry representatives (house builders and land agents), were also invited to comment on the emerging document.

The Draft SPD consultation runs from the....Comments can be returned via email or post to the following address:

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## 2. The Council's Planning Contributions Framework

**Comment [s3]:** May need to insert comment about 'new' Planning Obligations vs 'old' ones being used to jointly fund CIL 123 list items- await advice from PAS

### 2.1. Introduction

This section sets out the three types of planning contributions that will be sought under Cannock Chase Council's framework. It sets out the Council's general approach in order to provide clear guidance to applicants and stakeholders. It also addresses the relationship between CIL and Planning Obligations.

### 2.2. Planning Conditions (development and project specific)

Planning conditions are requirements placed on the grant of planning permission by Local Planning Authorities in order to make the relevant development acceptable in planning terms. The conditions must be satisfied in order for the development to go ahead, however they can not be used to secure financial contributions; these must be addressed via a separate Planning Obligation completed before a planning permission is issued (see below). Such conditions may cover issues such as:

- on-site flood risk mitigation solutions specifically related to the development;
- site specific archaeological or biodiversity issues e.g. being required to undertake; archaeological or wildlife surveys and implement mitigation proposals, if necessary;
- the appearance of the development or the timing of the provision of infrastructure on site;
- site specific improvements e.g. the remediation of any contaminated land.

These planning conditions readily operate alongside the CIL and Planning Obligations processes and will be utilised to respond to site/scheme specific circumstances. Planning conditions may be also used in tandem with a Planning Obligation to specify timescales for the delivery of items of infrastructure in order to appropriately phase new development alongside the infrastructure required to support it. In accordance with national legislation and guidance, the impact of planning conditions on a development's overall viability will be taken into account (see 'Viability Considerations' below).

### 2.3. Community Infrastructure Levy (CIL- District wide)

The CIL sets out standard charges which will be levied on many residential and larger retail schemes within the District. The levy is charged on the basis of pounds per square metre of floorspace. It can be spent on the provision of new or improved infrastructure, the ongoing maintenance and replacement of infrastructure, which is required to support development within the District. It should not be used to remedy pre-existing deficiencies in infrastructure unless those deficiencies will be made worse by the new development. Infrastructure is defined in the CIL Regulations (2010 as amended) as "*roads and other transport facilities, flood defences, schools and other education facilities, medical facilities, sport and recreation facilities and open spaces.*" It does not include affordable housing. The infrastructure to be funded via CIL is set out within the Council's CIL Regulation 123 list, and any items on this list will not be funded via any new Planning Obligations (discussed further below).

The CIL will largely replace the system of 'pooling' contributions from various Planning Obligations e.g. in the past the Council has combined the financial contributions from separate developments

to fund a single item of infrastructure such as a play area or a school extension. As discussed further below, this system of 'pooling' will be much more limited in the future.

The Council's Draft CIL Charging Schedule is currently out for consultation in association with this SPD. The Council has produced a CIL guide to support implementation and this should be referred to for further information on the CIL. This guide contains information on the Council's process for seeking and securing CIL charges, including phasing payment plans, exemptions and enforcement. It also covers provisions for 'in-kind' payments i.e. where a developer effectively 'pays' their CIL charge liability via an item of infrastructure or land to accommodate infrastructure.

#### 2.4. Planning Obligations and Highways Act agreements (development and project specific)

Planning Obligations under Section 106 (of the Town and Country Planning Act 1990 as amended) are either legal agreements between the Local Planning Authority and developers/landowners or Unilateral Undertakings offered by developers/landowners, usually completed in the context of determining planning applications. These Obligations enable a development to be made acceptable in planning terms where required, beyond the scope of planning conditions. They typically cover issues related to the securing of financial contributions towards affordable housing and infrastructure provision, such as education, transport and open spaces. Section 278 (of the Highways Act 1980) provides for the completion of agreements which relate specifically to the securing of improvements to the highway network arising from the needs of new developments. These are typically completed after the grant of planning permission but the requirement for them is identified either in planning conditions or Planning Obligations. In the local context these agreements are made between Staffordshire County Council and/or the Highways Agency, as the relevant Highways Authorities, and developers.

Planning Obligations must conform to the tests set out in the NPPF and the CIL Regulations. The NPPF and the CIL Regulations (2010 as amended) contains three statutory tests for the appropriate use of planning obligations. The obligations must be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development, and;
- fairly and reasonably related in scale and kind to the development.

The CIL Regulations (2010 as amended) also specify that Planning Obligations from a maximum of five planning permissions can be combined together and used towards any particular project ('pooled' contributions). This provision will come into force for all Local Planning Authorities from April 2015, or from the adoption date of their CIL charging regime (whichever is the earlier- the 'relevant date') and the starting date for counting completed Obligations for this purpose is April 2010. If more than five Obligations have been completed before the relevant date, that is not a problem, but if fewer than five have been completed at the relevant date, then the overall limit of five must not be exceeded by the completion of more Obligations. However, this pooling restriction does not apply to Section 278 agreements, only Planning Obligations.

Generally, this means that Planning Obligations will now mainly be reserved for addressing site-specific issues not covered by CIL-funded items of infrastructure; this will typically be in relation to larger scale development sites which create and can 'consume' their own infrastructure

requirements independent of wider District needs. Where a number (five or fewer) of medium-larger scale developments occurring in a part of the District generate a similar, cumulative larger-scale need then the use of Planning Obligations will be still be considered. They will also continue to be used for small-medium scale developments to address site-specific issues, where necessary. The District wide needs arising from the cumulative impacts of small-medium developments will be addressed via CIL.

Subject to the above restrictions, Planning Obligations are therefore to be used:

- To secure delivery of infrastructure on or in the vicinity of the development site.
- To provide land to enable infrastructure to be delivered on it, which is provided by other funding mechanisms.

Planning Obligations can be secured in the following ways:

- In-kind payments: where the developer builds or directly provides the matters necessary to fulfil the Obligation i.e. builds a school on site and/or provides the land for that school to be built on.
- One-off payments and/or phased payments to enable the infrastructure to be built/maintained/managed to continue to meet agreed standards usually in the medium-longer term.
- Pooled financial contributions to infrastructure: as discussed above, these are now restricted but can still be used within the CIL Regulation provisions. Pooling financial contributions to affordable housing is not subject to these restrictions as affordable housing does not fall within the definition of infrastructure.

Prior approval applications cannot normally be subject to Planning Obligations, in accordance with national legislation. However, in Cannock Chase District there is a specific issue in relation to biodiversity protection (discussed further in section 3.6) which means that whilst schemes approved under the prior approval process will not be subject to a Planning Obligation, they will still need to make a financial contribution via a separate application made under the Habitat Regulations, the requirements of which take precedence over any other planning requirements.

#### 2.5. Relationships between Planning Contributions

The CIL Regulations and Guidance clearly set out that the operation of CIL and Planning Obligations as part of an overall contributions framework should not lead to the 'double charging' for infrastructure items i.e. developers/landowners should not be paying for the same items of infrastructure twice via a CIL charge and a Planning Obligation and/or a Section 278 agreement. In order to ensure this, any items on the Council's Regulation 123 list can only be funded by CIL (or other non-developer related funds such as government grants) and not any new Planning Obligations and/or Section 278 agreements.

Therefore the Council will only seek planning obligations in relation to the following:

- Affordable housing

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- Infrastructure which is required as a result of a specific development (and not included on the CIL Regulation 123 list)
- Commuted sums for the maintenance of facilities/infrastructure that the developer would like another body to adopt e.g. open space provided on site
- Mitigating the site-specific impacts of development (e.g. relating to biodiversity, archaeological or transport issues).

These items are discussed in further detail in Section 3.

### 3. The Council's Approach to Planning Obligations

#### 3.1. Introduction

Section 2 provides an overview of how and when Planning Obligations can be generally sought. This section addresses in more detail specific types of infrastructure and sets out how and when Planning Obligations will be applied. The Council will seek Planning Obligations primarily in relation to affordable housing for all sites (see further detail below). Site and scheme specific issues related to open space, sports and recreation facilities; education; transport; and biodiversity will also be considered as a priority. However, other site and scheme specific issues will continue to be addressed via obligations, where required.

This section also sets out the process for seeking Planning Obligations and the Council's approach to viability considerations. Overall, this section outlines that all schemes are potentially subject to site and project specific planning conditions, where these do not entail a direct financial contribution. All proposals are also potentially subject to Planning Obligations, in addition to CIL charges. Schemes that are subject to more extensive Planning Obligations will be able to apply for CIL relief as per the Council's relief and exceptions policy, if there are viability concerns.

#### 3.2. Affordable Housing (Housing Choices)

Within the current legislative context, affordable housing provision remains subject to specific Planning Obligations. Policy CP7 of the Local Plan (Part 1) states that the Council will seek to address a net annual need for 197 affordable dwellings via a variety of measures. Affordable housing is defined in the NPPF as comprising social rented, affordable rented and intermediate housing (see Appendix 1 for more detail).

It is the Council's intention:

- To seek 20% affordable housing on commercial house builder sites of 15 or more dwellings, subject to the viability of individual sites.
- To seek a financial contribution on sites under 15 units as an alternative to on-site affordable housing provision and in exceptional circumstances on sites of 15 or more units. The contribution will be calculated in accordance with the formula set out in Appendix 1. The funds received would be ring fenced for affordable housing and used to provide funding assistance to other schemes and address priority needs.

**Comment [s4]:** Depending on Adams Integra work we may want to include threshold for less than 15 unit sites

The Council will expect 80% of the 20% affordable housing requirement to be social rented housing and the remaining 20% to be intermediate housing.

The Council will require the following size mix of new affordable housing on each development site, rounded to the nearest whole number of units. The preferred housing mix has been determined by Cannock Chase Council's Housing Management Team and is based on information on the needs of applicants from the Cannock Chase Homes Lettings Data.

1 bed = 10%  
2 bed = 60%

3 bed = 25%

4 bed = 5%

The affordable housing provision should be pepper-potted throughout the development and be indistinguishable from the market housing. Affordable housing will be required to meet the Homes and Communities Agency Design and Quality Standards and Level 3 of the Code for Sustainable Homes (or equivalent). The timing of the completion of the affordable homes will be agreed as part of a schedule for the development.

It is expected that the affordable housing will normally transfer to a Private Registered Provider of Social Housing and that the units will be allocated to those with a local connection to Cannock Chase.

Policy CP7 sets out that the Council will keep under review the overall target for affordable housing provision on commercial house builder sites. The Council will annually monitor changes in market conditions to inform a preliminary assessment of whether or not the target may require review. Should the Council conclude that a review is appropriate then this will be undertaken via a full, refreshed economic viability assessment which takes into account the adopted CIL charging rate and other costs, including Planning Obligations. Should this updated assessment indicate that a change to the affordable housing target is appropriate the Council will then consult upon an updated Draft Developer Contributions SPD (and the revised economic viability assessment evidence) which incorporates the revised target. The consultation and adoption process for the revised SPD will follow national regulation requirements.

\* Please note that some of the above requirements may change following the outcome of the Communities and Local Government 2014 consultation paper 'Planning performance and planning contributions' and their proposal for a 10 unit threshold for affordable housing contributions and further announcements from the Homes and Communities Agency concerning space standards and the Code for Sustainable Homes.

### 3.3. Open Space and Sports Facilities

Policy CP5 of the Local Plan (Part 1) states that developer contributions will be sought towards the provision of open space, sport and recreation (OSSR) facilities in line with standards set out in a SPD. The standards taken forward in this SPD in order to inform potential Planning Obligation requirements are taken from the evidence base which supported the Local Plan (Part 1) and have informed the Council's Infrastructure Delivery Plan and CIL Regulation 123 List. These standards are set out within Appendix 2.

The majority of larger scale OSSR projects serving wider than localised needs will be funded via CIL e.g. the provision of sports pitches. Smaller scale projects within the District may also be funded via CIL e.g. improvements to a local play area required as a result of numerous small-medium scale developments occurring within its vicinity. However, all development schemes will still need to consider their sustainable design in terms of accommodating and maintaining on-site green infrastructure to create attractive environments (i.e. quality landscaping schemes) which will typically be secured via the development design and/or planning conditions. Schemes should have regard to the standards within Appendix 2 and design guidance set out within the District's forthcoming Design SPD. If necessary, Planning Obligations will also be utilised. This may be particularly relevant where there are complementary issues related to biodiversity or other matters (see Sections 3.6 and 3.7).

Larger scale development schemes may give rise to the need for further on-site facilities in order to meet the needs generated by that development (in line with the Council's open space standards- see Appendix 2). The Council will generally expect proposals of 100 dwellings or more to provide for on-site formal play provision for young people (play areas and complementary amenity space) in order to meet the needs generated by that development. The exact nature of the on-site provision required will take into account the nature of the development (including site constraints) and the proximity and quality of existing play provision. If the development site lies within the catchment of existing play space which can be enhanced to meet the development needs, then an equivalent financial contribution via a Planning Obligation may be sought for the Council to provide this infrastructure (where this is consistent with the Council's CIL Regulation 123 list).

The following methodology provides an indicative example of the space requirements and cost of the facility that a development of 100 dwellings or more would be required to provide:

1. No. of dwellings  $\times$  average CCDC (2011 Census) dwelling occupancy rate of 2.4 = No. of persons to be provided for.
2. No. of persons to be provided for  $\times$  amount of space required per person (based on Appendix 2 standards this is 0.000725ha of play and amenity space) = amount of land to be provided for on-site facilities (rounded to nearest 0.1ha).

If an off-site contribution to enhance an existing play area to serve the catchment of the development is requested in lieu of on-site provision, this is then calculated:

3. Cost per 0.1ha of amenity/play space  $\times$  no. of ha required = Equivalent cost of off-site provision (including maintenance costs for 20 years)

*Worked example: Site of 100 dwellings*

1. *100 dwellings x 2.4 = 240 persons to be provided for*
2. *240 x 0.000725ha = 0.174ha, rounded up to 0.2ha of land for on-site play and amenity spaces (broadly equivalent to the minimum required size of a Local Equipped Area of Play, including buffer zones- see Appendix 2)*
3. *£60,873 (per 0.1ha-2014 indicative rate) x 2 (0.2ha required) = £121,745 off-site contribution*

The current indicative rate of off-site contributions will be kept under review by the Council and costs will be considered on a case by case basis to reflect the specific circumstances of the scheme. The indicative figure will be index-linked each year as a minimum using the 'Retail Prices Index- All Items' rate. The index-linked update will be included within this SPD and issued as a revised version at the start of every financial year with the agreement of the Head of Economic Development and Portfolio Leader for Planning and Economic Development. Any more substantive updates to the costs outside of index-linking will be considered via an updated economic viability assessment in tandem with the process for reviewing affordable housing requirements (see section 3.2 above).

Whilst the provision of other elements of more strategic open space provision including formal playing pitches and allotments will now generally be funded via CIL receipts, the Council may seek to deliver these items on large scale development sites. This could involve a Planning Obligation or the payment of the development's CIL obligation 'in-kind' via the provision of land on the site to accommodate the infrastructure. Outside of CIL-funded projects, where the site or development specific issues of a large scale development give rise to the need for formal playing pitches or allotments (which have not been identified on the Council's CIL Regulation 123 list) then the Council may seek Planning Obligations accordingly.

### 3.4. Education

Staffordshire County Council is the Local Education Authority for the District and it has a statutory duty to provide sufficient school places for children who are of school age and whose parents want their child educated in the state sector. The County Council has produced an Education Planning Obligations Policy Document. This has informed the County Council's analysis of education infrastructure requirements within Cannock Chase District. The District Council has worked closely with the County Council to inform assessments of education infrastructure needs arising from new developments being planned in the District up to 2028.

Previously education Planning Obligations have been considered for developments of 7 dwellings or more or on a site greater than 0.2ha, in line with the County Council Policy Document. However, as discussed below it is now envisaged that education Planning Obligations will be reserved for use in relation to medium-large scale sites. CIL funds will generally be used to contribute to addressing the cumulative impacts of the majority of small-medium developments planned in the District. The District and County Councils have worked together to produce the CIL Regulation 123 List, which identifies a number of education infrastructure items to be eligible for CIL funding.

In addition to CIL funding, there may be the need for larger sites to contribute to the education infrastructure demands generated by that specific development via separate Planning Obligations. The Council may also utilise Planning Obligations where there are a number of medium-large developments occurring within proximity of one another, generating a related larger-scale need for additional education provision. The Council will adhere to the CIL Regulation requirements in these instances i.e. by ensuring any education infrastructure item to be provided has not already been identified for funding via CIL; that the obligations meet the statutory tests; and that no more than five separate Planning Obligations are secured for the same item of infrastructure. These obligations may include both land purchase costs if required to develop a new school/extensions (or a contribution in-kind of land on the development site, if practicable) and the actual cost of providing a new school.

Education contributions via Planning Obligations will not be sought for specialist older persons housing schemes, and developments consisting purely of one and two bedroom flats will normally be excluded on the basis that they generate a low rate of child occupancy. To calculate the financial contribution to be sought under separate Planning Obligations please consult the most up to date Staffordshire County Council Education Planning Obligations Policy Document. It provides the basis for calculating likely education contributions and enables indicative figures to be provided to developers – without undertaking an exhaustive analysis- and is particularly helpful at enquiry and pre-application stages. Figures produced in 2008/9 set out the following standard charges.

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Phase of Education	Pupil Spaces Per 100 eligible dwellings	Cost per pupil place*
Early Years/Nursery Provision	3	£11,031
Primary	21	£11,031
Secondary	15	£16,622
Sixth Form	3	£18,027

\*The cost per pupil place is worked out by the DCSF and takes into account the Staffordshire weighting.

It should be noted that where a project has been identified to mitigate the impact of development(s) the full cost of delivering the project will be met, relative to the size of development. This will include, where applicable, the necessary additional land, access and relevant services.

### 3.5. Transport

New development often creates a need for better transport infrastructure and access improvements to support the additional number of trips that will be generated to and from it. There is also a need to mitigate impacts arising from increased levels of travel e.g. reducing air pollution; this is a specific issue within Cannock Chase District where parts of the A5 at Bridgtown are a designated Air Quality Management Area (AQMA).

The District Council has worked closely with Staffordshire County Council as the Local Transport Authority and the Highways Agency (as the responsible agency for the trunk road network, which in Cannock Chase relates to the A5) to inform assessments of transport infrastructure needs arising from new development being planned in the District up to 2028. This infrastructure will help to secure a more sustainable transport network into the future, including improvements to environmental quality. Policy CP10 of the Local Plan (Part 1) sets out local transport requirements and related Local Transport Packages which will be delivered in conjunction with the District's development proposals. The Cannock Chase District Integrated Transport Strategy is the overarching evidence base for transport related matters, setting out how developments will fit into the strategic transport network, and what mitigation may be required.

New developments of all scales must consider their relationship to the existing highway network and ensure that any immediate improvements required (i.e. primary access to the site) form an integral part of the overall design of the development and are acceptable to the Highways Authority (Staffordshire County Council, or in the case of a trunk road the Highways Agency). These issues will be covered by planning conditions where necessary.

If there are other site and development specific issues these should also form part of the design where possible e.g. a development with the potential to impact upon the sensitive air quality of the AQMA along the A5 may need to provide appropriate mitigation measures. Policy CP10 of the Local Plan (Part 1) refers to need for new commercial and residential developments (over 200 dwellings) to provide segregated cycle routes and retail developments of over 2,500 sq.m and major employment sites to provide cycle parking facilities. If necessary, such requirements will be secured via planning conditions or Planning Obligations.

Where a new development (typically a larger scale scheme) gives rise to a specific, localised improvement which goes outside the remit of a planning condition i.e. requiring financial contribution, then the Council will utilise Planning Obligations and Section 278 agreements, as appropriate. Section 278 agreements are specifically related to transport improvements and they are made with Staffordshire County Council or the Highways Agency. Where there are a number of medium-larger developments occurring within proximity of one another, generating a related need for specific transport infrastructure provision, Planning Obligations will not exceed the five development pooling limit (Section 278 agreements are not subject to this pooling limit). Where financial contributions are secured via new Planning Obligations or Section 278 agreements they will not be used towards any projects on the CIL Regulation 123 list.

Where specific requirements are to be secured via planning conditions and/or planning obligations, this may relate to a Travel Plan for the development. A Travel Plan will be required to be submitted as part of a planning application where a development proposal is likely to have significant

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transport implications (particularly with respect to pollution, congestion or the character of the area) or generate a significant amount of car travel (potential resulting in the need to promote sustainable transport measures e.g. provision of bus passes). This relates to Policy CP10 of the Local Plan (Part 1). New development also has a wider, less direct and cumulative impact i.e. increased demand for train or bus services (and associated facilities including stations) and on the overall highway network capacity. Such cumulative infrastructure requirements, the need for which arises from all developments of various scales across the District, will be addressed via CIL funds. The District and County Councils have worked jointly to identify such items and there are a number of transport projects on the CIL Regulation 123 List.

### 3.6. Biodiversity

Local Plan (Part 1) Policy CP13 sets out the need for all developments to contribute towards the mitigation of adverse impacts upon the Cannock Chase Special Area of Conservation (SAC). This will be achieved via a range of measures including both CIL funded projects and site specific Planning Obligations, where applicable.

The majority of Cannock Chase SAC mitigation measures will be addressed via CIL funds collected from all residential developments across the District. However, where a site is in close proximity to the SAC; is proposing a non-residential use which has the potential to impact upon the SAC; and/or is of a larger scale, then site and scheme specific SAC issues will be addressed via Planning Obligations where necessary (and where this is consistent with the CIL Regulation 123 list).

Local Plan (Part 1) Policy CP5 sets out that developments of 50 dwellings or more will be expected to provide additional on-site recreation space as part of the overall SAC mitigation strategy. This will be secured by planning condition or Planning Obligations as necessary and is separate to the mitigation measures elements proposed to be funded via CIL. There is no set standard for the nature or level of this provision as it will be informed by the location of the development in proximity to the SAC; the nature of the development; and existing open spaces within the local area. For example, this provision may be in the form of a 'green corridor' (for walking and cycling use) to provide access to existing green spaces outside of the development site or a bespoke area of green space for informal recreation.

Given the nature of the Cannock Chase SAC (in that it is a site protected by Habitat Regulations, which take precedence over all other legislation) prior notification developments, such as the conversion of offices to dwellings, will also still be subject to SAC mitigation measures contributions via separate applications made under the Habitat Regulations. This will be advised of alongside a prior notification approval issued by the Council.

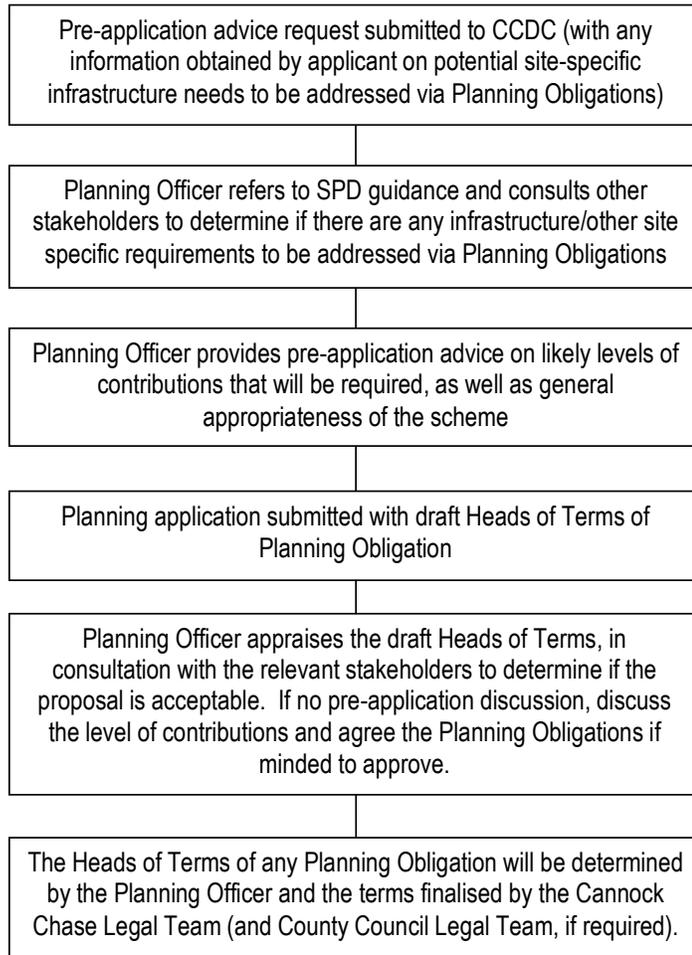
Beyond the Cannock Chase SAC, site specific issues related to on or near site biodiversity considerations may be addressed via Planning Obligations, as appropriate. For instance, mitigation and compensation measures for the loss of a local wildlife site as set out in Policy CP12 of the Local Plan (Part 1).

### 3.7. Other Contributions

In response to site and scheme specific issues, the Council will consider the use of Planning Obligations in order to make a proposed scheme acceptable in planning terms, related to Local Plan policies. This may include items of infrastructure not referred to in detail above such as flood risk mitigation; town centre improvements; health facilities; community facilities; crime and safety measures; and heritage assets. The impact of these additional contributions upon the economic viability of a proposed development scheme will be considered, in accordance with Local Plan (Part 1) Policy CP5 and the process set out below.

### 3.8. Process for seeking Planning Obligations

Developers are advised to enter into discussions with the District Council (and other infrastructure providers e.g. the County Council) as early as possible in order for the potential scope of Planning Obligations to be assessed i.e. prior to a scheme being finalised or an application being submitted.



The Council will recoup its legal costs which are associated with the drafting and/or reviewing of any Planning Obligations from the applicant. Matters related to the triggers for payments; triggers for review and inflation will be contained within the individual Planning Obligation (these matters in relation to CIL will be governed by national and local guidance).

### 3.9. Viability Considerations

CIL charges are non-negotiable unless a specific request is made for relief in accordance with the Council's relief and exceptions policy. The Council's CIL guidance clearly sets out the circumstances where this can be applied and the process for applicants.

Planning Obligations are negotiated on a case by case basis. Where a developer/landowner believes that viability is an issue in relation to a specific Planning Obligation, applicants will need to make a submission to the Council which should include the following:

- i. A financial viability appraisal
- ii. A statement outlining the benefits and risks of not meeting all of the policy requirements and the site being delivered immediately. This statement should set out the applicants proposed approach to address viability issues arising i.e. if they are seeking deferment, phasing or discounting of the Planning Obligations.

The financial viability appraisal should be commissioned and paid for by the applicant. However the commissioning of the appraisal should be firstly agreed with the Council, including the scope of the appraisal and the person(s) appointed to undertake it. The Council may seek further independent advice to review the financial appraisal submitted. The viability appraisal is an 'open book' assessment which should include the following information as a minimum:

- Existing use values
- Proposed use values (sales and rental)
- Demolition and construction costs
- Finance and marketing costs
- Assumed yield
- Site abnormalities
- Development and sales phasing/timetable
- Likely CIL charge showing payments required in accordance with the Council's instalments policy.

Based on this submission, and any other relevant evidence, the Council will consider a deferred or phased Planning Obligation in the first instance. If the deferment or phasing of payments would not address the viability issues, then clearly justified discounts will be considered. In considering any deferment, phasing or discount it must be clearly demonstrated that this would not make the development unacceptable in planning terms. If the Council alters the Planning Obligations sought on viability grounds a clause will be built into the Section 106 agreement which requires a review of the viability situation unless the development is completed within an agreed timeframe.

**4. Summary of potential planning contributions**

**Comment [s5]:** Check headroom in Adams viability assessments covers this

The following table provides a summary of the potential planning contributions required by type and scale of development.

Type of development scheme	Standard CIL Charge	Potential Planning Obligations (Section 106 or 278 agreements)
Residential extensions	No	Mitigation of specific impacts if required
1-14 dwellings	Yes- £40sqm	Off site affordable housing On-site green infrastructure provision Mitigation of specific impacts if required
15-49 dwellings	Yes- £40sqm	On-site affordable housing Other development specific infrastructure (where need created mainly by the development) e.g. green infrastructure, education, transport provision Mitigation of specific impacts if required
50+ dwellings	Yes- £40sqm	On-site affordable housing Other development specific infrastructure (where need created mainly by the development) e.g. green infrastructure, education, transport provision On site open space provision for Cannock Chase SAC Formal play provision on sites of 100+ dwellings Mitigation of specific impacts if required
200+dwellings	Yes- £40sqm	As for 50+ dwellings Cycle routes
Retail development up to and including 280m <sup>2</sup>	No	Mitigation of specific impacts if required
Retail development of more than 280m <sup>2</sup> (In town centre- A1 Foodstores only. Out of town centre- all A1)	Yes- £60sqm	Mitigation of specific impacts if required Other development specific infrastructure (where need created mainly by the development) e.g. road improvements, cycle routes. All developments over 2,500m <sup>2</sup> to provide cycle parking facilities.
Other types of development (including town centre non-food retailing, business, industrial, leisure, hotels, schools etc)	No	Mitigation of specific impacts if required Other development specific infrastructure (where need created mainly by the development) e.g. road improvements, cycle facilities provision, cycle routes

**Comment [s6]:** To keep under review in light of Adams Integra work

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All schemes are potentially subject to site and project specific planning conditions, where these do not entail a direct financial contribution. All proposals are also potentially subject to Planning Obligations, in addition to CIL charges. Proposals that are subject to more extensive planning obligations will be able to apply for CIL relief as per the Council's relief and exceptions policy. All proposals (including prior approval applications) will be subject to consideration of Cannock Chase SAC contributions (see section 3.6).

## Appendix 1 – Affordable Housing Contributions

The NPPF defines affordable housing as the following:

*Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.*

*Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.*

*Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).*

*Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.*

*Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.*

### Formula for below 15 dwelling developments

The formula to be used for calculating contributions from sites below 15 dwellings is extracted from the Council’s evidence base report ‘Economic Viability Assessment of Future Development of Affordable Housing in Cannock Chase’ (2014, Adams Integra). The financial contribution is calculated via the following steps:

- a. Gross development value of each house type (GDV).
- b. Multiply by the Residual Land Value (RLV) percentage. For Cannock Chase, the figure is determined as 18% (see para 3.7.15 of the above report).
- c. Add 15% to the result of [a x b] to reflect (as an estimate) site acquisition and preparation/servicing costs.
- d. Apply to the relevant dwelling numbers and types, and to the equivalent affordable housing policy proportion – 20%.

To further illustrate the principle, the following is a worked example:

Example – Scheme of 3 x 3 bed houses

- a. Open Market Value (OMV used as GDV) of 3 bed house at Value Point 3 = £160,000
- b. Multiply by the RLV percentage (18%) = £28,800
- c. Add 15% on-costs = £33,120
- d. Apply affordable housing equivalent proportion 20% = £6,624
- e. Multiply by no. of units (3)
- f. Financial contribution payable = £19,872

**Appendix 2 Open Space Standards (extracted from Open Space Assessment 2009, CCDC) and Minimum Required Sizes of Local and Neighbourhood Equipped Areas of Play**

PPG17 Typology	Quantity	Quality and Value	Accessibility	NOTES
<b>Parks and Gardens</b>	Maintain current level of provision of 0.43ha per 1,000 population as a minimum	Maintain 'good' quality and 'high' value as a minimum, with aspiration for all parks to be 'very good'.	Improve provision in relation to recommended distance of 740metres (to a 'good' quality park)	Further new quantitative provision over plan period unlikely given nature of sites. Improvements (including extensions) and maintenance to be largely funded via CIL or via site-specific S106 agreements for larger development schemes (see also Provision for Young People).
<b>Semi Natural Sites</b>	Maintain current level of provision of 6.2ha per 1,000 population as a minimum but look to improve accessibility by increases in quantity	Maintain 'good' quality and 'medium' value as a minimum, with aspiration for all semi-natural sites to be 'very good'.	Improve provision in relation to recommended distance of 480metres (to a 'good' quality site).	Further large scale quantitative provision over remainder of plan period unlikely given nature of sites. Potential smaller-scale new provision in relation to Cannock Chase SAC mitigation measures (on sites of 50 dwellings or more) to be provided via planning conditions/ obligations. District-wide improvements and maintenance to be largely funded via CIL or via site-specific S106 agreements for larger development schemes.
<b>Green Corridors</b>	No recommended standard	Maintain 'good' quality and 'medium' value as a minimum, with aspiration for all green corridors to be 'very good'.	As a guide, improve provision in relation to recommended distance of 480 metres (to a 'good' quality	To be provided as part of good quality landscaping schemes for all developments, as appropriate. Potentially may form part of the open space provision for sites of 50 dwellings or more to

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<b>PPG17 Typology</b>	<b>Quantity</b>	<b>Quality and Value</b>	<b>Accessibility</b>	<b>NOTES</b>
			site).	mitigate impacts upon Cannock Chase SAC (see above).
<b>Provision for Young People</b>	Achieve standard of 0.045ha per 1,000 population	Maintain 'good' quality and 'medium' value as minimum, with aspiration for all play areas to be 'very good'.	Improve provision in relation to recommended distance of 370 metres (to a 'good' quality LAP/LEAP site) and 740 metres (to a 'good' quality NEAP/MUGA)	Sites of 100 dwellings or more to provide on-site provision secured via planning conditions/ obligations. May be secured via off-site provision/improvements where consistent with CIL funding. Provision, improvements and maintenance to meet cumulative needs arising from other developments to be met via CIL funds.
<b>Amenity Green Space</b>	As a guide, maintain current levels of provision at 0.68ha per 1,000 population of housing amenity space as a minimum and recognise importance of sites with more visual value	Maintain 'good' quality and recreation value as minimum, with aspiration for all amenity areas to be 'very good'.	Improve provision in relation to recommended distance of 370metres (to a 'good' quality housing amenity space that is of recreational value- as a guide 0.2ha).	To be provided as part of good quality landscaping schemes for all developments, as appropriate. Sites of 100 dwellings or more to provide full on-site provision in conjunction with Provision for Young People, secured via planning conditions/obligations. May be secured via off-site provision/improvements where consistent with CIL funding. Provision, improvements and maintenance to meet cumulative needs arising from other developments to be met via CIL funds.
<b>Allotments</b>	Increase quantity in line with District	Maintain 'good' quality and 'high' value as	Improve provision in relation to	Provision, improvements and maintenance to be largely funded via CIL or via

<b>PPG17 Typology</b>	<b>Quantity</b>	<b>Quality and Value</b>	<b>Accessibility</b>	<b>NOTES</b>
	requirements (to be informed by demand statistics). As a guide, a target of 0.065ha per 1,000 population of allotment space should be achieved	minimum, with aspiration for all allotments to be 'very good'.	recommended distance of 2 miles	site-specific S106 agreements for larger development schemes.
<b>Outdoor Sports Grounds</b>	To be addressed via Playing Pitch and Indoor Facilities Assessment	To be addressed via Playing Pitch and Indoor Facilities Assessment	To be addressed via Playing Pitch and Indoor Facilities Assessment	Provision, improvements and maintenance to be largely funded via CIL or via site-specific S106 agreements for larger development schemes.
<b>Church/Cemetery</b>	Increase quantity in line with District requirements for burial spaces	Maintain 'very good' standard and 'high' value as a minimum.	No recommended standard for distance/travel times	To be addressed via CIL funds.
<b>Civic Space</b>	No recommended standard	Maintain 'very good' standard and 'high' value as a minimum.	No recommended standard for distance/travel times	Need for enhancements to any civic space to be considered as part of site-specific issues. Improvements and maintenance to be largely met via CIL funds.

**Minimum required size for a Local Equipped Area for Play (LEAP)** = Minimum size of activity zone (400m<sup>2</sup>) + 10m buffer from activity zone to nearest dwelling = **1,600m<sup>2</sup> (0.16ha)**

**Minimum required size for a Neighbourhood Equipped Area for Play (NEAP)** = Minimum size of activity zone (1,000m<sup>2</sup>) + 30m buffer from activity zone to nearest dwelling = **8,100m<sup>2</sup> (0.8ha)**

These minimum requirements are drawn from the National Playing Fields Association recommended standards (now the Fields in Trust)

Summary of Preliminary Draft Charging Schedule Consultation

- 1.1. The Council consulted on its Preliminary Draft Charging Schedule between 29<sup>th</sup> November 2013 and 10<sup>th</sup> January 2014. The Preliminary Draft Charging Schedule and accompanying evidence base documents were made available to view online at [www.cannockchasedc.gov.uk/planningpolicy](http://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 05.12.13).
- 1.2. The consultation was undertaken in accordance with the Regulation 15 of the CIL Regulations (2010, as amended). Just over 400 stakeholders, including the relevant consultation bodies and those persons and bodies specified under Regulation 15 (5) were contacted via letter to notify them of the consultation period, availability of documents and methods of response.
- 1.3. The Council also invited these stakeholders to attend a workshop event on the 7<sup>th</sup> January 2014. The purpose of the workshop 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, and the local infrastructure projects that the CIL will fund. 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. A total of 20 stakeholders attended the workshop events, including developers; County Council representatives; Parish Councils; neighbouring authorities and other interested parties such as the Area of Outstanding Natural Beauty Unit. Individual follow up presentations were also given to Norton Canes Parish Council and Hednesford Town Council, at their request. A total of 18 stakeholders formally responded to the consultation.
- 1.5. The table below provides a summary of the formal consultation responses received and the Council's response to them, indicating how they have informed the Draft Charging Schedule and Regulation 123 list.

**Community Infrastructure Levy Preliminary Draft Charging Schedule Consultation Comments**

<b>Respondent</b>	<b>Summary of Comments Received</b>	<b>Council Response</b>	<b>Action</b>
Cannock Area of Outstanding Natural Beauty Unit	<p>Welcome references to the AONB and Cannock Chase SAC within the Infrastructure Delivery Plan. However, the SAC does not cover the whole AONB and is habitat focused; not related to landscape and scenic beauty. SAC mitigation measures could have detrimental impact on the AONB and these should continue to be consulted upon. Would welcome opportunity to contribute to producing Regulation 123 list to include AONB related schemes.</p> <p>Note potential application of CIL to proposed residential developments in the emerging Local Plan, including land West of Pye Green Road and at Norton Canes. This will be of relevance to the AONB.</p>	<p>Noted. It is recognised that the SAC mitigation and wider AONB landscape management are potentially complementary, as well as being separate issues and items of different infrastructure in their own right. The Council would consider AONB Unit suggestions for the Regulation 123 list to include AONB related schemes.</p>	<p>Consider any AONB related schemes submitted for inclusion on the Regulation 123 list.</p>
	<p>Note potential application of CIL to proposed residential developments in the emerging Local Plan, including land West of Pye Green Road and at Norton Canes. This will be of relevance to the AONB.</p>	<p>Noted. It should be recognised that sites with existing planning consents and Section 106 agreements i.e. land West of Pye Green Road, will not be required to pay CIL charges as they have been granted prior to the adoption of the CIL charge. However, any additional applications (or revised ones) e.g. for further housing capacity on these sites may be liable to the CIL charges if put forward following the adoption of the CIL charging schedule.</p>	<p>None required at this time.</p>
	<p>Note there is to be a joint SPD on SAC mitigation to be produced and the AONB Unit/Partnership is happy to contribute to this.</p>	<p>Noted and welcomed.</p>	<p>Continue to work on joint SPD via SAC partnership.</p>
Birmingham City Council	<p>No comments at this stage but request to be kept informed of progress.</p>	<p>Noted.</p>	<p>None required at this time.</p>
Carter Jonas (representing several clients with land interests in District)	<p>Question the applicability of CIL to retail uses- they do not generally give rise to demand for the type of facilities normally funded by CIL. Could also impact upon viability. Council should acknowledge there may be instances where a CIL payment is not required and will be applied flexibly. There should</p>	<p>Retail development will benefit from and impact on local infrastructure as set out in the current Infrastructure Delivery Plan 2013 and subsequent Regulation 123 list. Such schemes often generate a need for highway and public transport improvements, but in any event the</p>	<p>None required at this time.</p>

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	<p>be relief to ensure no double counting with S106/S278 agreements.</p>	<p>CIL system is looking at the overall infrastructure requirements needed to deliver the policies and proposals in the Local Plan as a whole. The proposed rate of £60 per m2 is set at a level considered not to impact on viability. The proposed charge is modest compared with that being proposed in other parts of the West Midlands where most equivalent proposed charges are in excess of £100 per sqm. Peacock and Smith, on behalf of Morrisons, support the proposed charge on the basis that it will not harm viability so this submission on behalf of a named retailer supports the CCDC approach. CIL Regulations protect against 'double counting'. Attention is drawn to 2:6 of the DCLG CIL Guidance Feb 2014.</p>	
	<p>Rate for retail development should be set at £20/sqm.</p>	<p>No financial viability assessment has been provided to support this assertion. Nevertheless it is noted that the principle of a charge is accepted.</p>	<p>None required at this time.</p>
<p>Churchill Retirement Living Ltd and McCarthy &amp; Stone (represented by The Planning Bureau)</p>	<p>Suggest timetable for an instalments policy, which links to the timetable for completion. 25% on commencement; 50% within 12 months of commencement; 25% on completion. The Council should consider the effects of CIL upon particular sectors or specialist forms of development, including specialist accommodation for the elderly. This is particularly important given the importance of the delivery of such accommodation within the District. By not properly assessing the CIL rate the Council puts at risk the delivery of its Local Plan. The CIL rate provides a uniform, flat rate for all residential developments- it does not differentiate between type e.g. flats/houses and sector e.g. elderly accommodation. Fails to acknowledge</p>	<p>Noted. The Council will consider the instalments policy as suggested. Having considered the viability evidence submitted the Council is minded to recommend that retirement housing has a nil charge. We would seek to negotiate S106 agreements for affordable housing based on the adopted Local Plan policy on a case by case basis subject to viability. The Adams Integra report recognises that "there are two factors which may adversely affect viability. Firstly, the rate of sale of sheltered housing schemes is generally slower than for</p>	<p>Consider appropriate instalments policy. Consider nil charge when producing Draft Charging Schedule. Consider nil charge when producing Draft Charging Schedule.</p>

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	<p>specific viability issues associated with specialist elderly accommodation. Welcome relatively modest £40/sqm charge. However, historically not been able to deliver schemes in the District due to viability issues so concerned even modest charge will affect delivery. Note references within Economic Viability Assessment Report to this issue of sheltered housing viability, however feel guidance is contradictory as it then continues to be included within the general residential rate. No viability testing of sheltered/retirement housing appears to have been undertaken- this should be undertaken if not already done so.</p>	<p>mainstream residential, due to the more limited market catchments. Developers consequently incur greater interest costs on land and build costs. Secondly, these schemes include a significantly higher level of communal space to accommodate social areas and other facilities.”</p> <p>Having considered the viability evidence submitted the Council is minded to recommend that retirement housing has a <b>nil</b> charge. We would seek to negotiate S106 agreements for affordable housing based on the adopted Local Plan policy on a case by case basis subject to viability.</p>	
<p>English Heritage</p>	<p>Recognise that Adams Integra is well informed on the issues following the examination of the Winchester Council Charging Schedule. However. Provide a number of documents which may assist the Council including a paper on testing the viability of retirement/sheltered housing; a viability assessment of retirement/sheltered housing by Three Dragons; Planning Minister letter regarding specialist forms of development. Request viability of these developments locally is assessed in line with the guidance provided.</p>	<p>Noted- see above comments.</p>	<p>None required at this time.</p>
	<p>Support reference to heritage assets in paragraph 4.6, but suggest minor amendment to bring reference fully in line with the NPPF. Would also like to see further references to the historic environment. Paragraphs 4.6/4.7 could be supplemented with reference to open spaces and heritage assets; ‘in kind’ payments e.g. transfer of an ‘at risk’ building; repairs and improvements to heritage assets.</p>	<p>Noted. These comments will be taken into consideration in producing the Draft Charging Schedule.</p>	<p>Consider when producing Draft Charging Schedule.</p>

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	<p>Chapter 7 should further consider the continued role of planning obligations in relation to the historic environment.</p> <p>The Regulation 123 list should include items related to the protection, conservation and enhancement of heritage assets and/or their settings.</p> <p>Concerned that CIL charges on developments involving heritage assets could be detrimental to their historic significance e.g. by rendering schemes unviable. Encouraging LPAs to apply discretionary relief for exceptional circumstances; where development which affects heritage assets and their settings and/or their significance, may become unviable if it was subject to CIL. Refer to the CIL Relief Information Document.</p>	<p>Noted. These comments will be taken into consideration in producing the Draft Charging Schedule.</p> <p>Noted. The Council will consider any suggestions for inclusion on the 123 list from English Heritage and local interest groups.</p> <p>Noted. The Council will put forward a generic relief policy which would enable all developments experiencing viability issues, including those involving heritage assets, to apply for relief.</p>	<p>Consider when producing Draft Charging Schedule.</p> <p>Consider any heritage asset items submitted for inclusion on the Regulation 123 list.</p> <p>Consider discretionary relief policy.</p>
<p>Environment Agency</p>	<p>No formal comments on the charging structure and fees, but wish to be consulted on any changes to the Infrastructure Delivery Plan. Estimated costs for the Rugeley Flood Alleviation Scheme are currently correct however they are subject to change. There may also be additional improvement works identified across the District from continuous Environment Agency reviews of assets and incidents.</p>	<p>Noted. The Infrastructure Delivery Plan will be updated and consulted upon as part of the CIL Draft Charging Schedule consultation. Prior to this consultation, the Council will liaise with the Environment Agency on revisions to any items and costs. The Plan is a live document so can be updated with new items in response to individual representations.</p>	<p>Continue to liaise with the Environment Agency on required schemes and costs.</p>
<p>Hednesford Town Council</p>	<p>Note CIL proposals at this stage. Would appreciate a further meeting to discuss CIL, including the neighbourhood pot annual 'cap'.</p>	<p>Noted. The Council has engaged with the Town Council as requested, including providing guidance on CIL receipts for Parish Councils.</p>	<p>Continue to provide guidance and attend meetings, as necessary.</p>
<p>Highways Agency</p>	<p>The Highways Agency favours the use of Section 278 Agreements for the provision of infrastructure required accommodate development traffic on the Strategic Road Network. Section 278 Agreements are enshrined in legislation by the Highways Act, 1980. Under the terms of the Act a Section 278 provides a legal agreement which allows the HA to</p>	<p>Noted. The Council would highlight that items of transport infrastructure may also be helpfully funded via CIL. The Highways Agency is encouraged to keep under consideration any items of infrastructure which may be helpfully funded via CIL.</p>	<p>Continue to consider transport items on the Regulation 123 list.</p>

<p>Inland Waterways Association</p>	<p>complete the required works at the developers expense. We regularly utilise these agreements to complete both small scale works and large highway improvement schemes. In light of the above, the Highways Agency has no comments to make on the proposed CIL Draft Charging Schedule.</p>	<p>Note Paragraph 4.7- it is not clear whether the Hatherton Branch Canal project is excluded from receipt of CIL funding under the transport heading or just excluded from the funding gap cost estimate. Whilst the restored canal will have a transport function, it may be more appropriate to include it under the category of "Open space, sport and recreation facilities" in recognition of its intended function providing publicly accessible recreation space. The restored canal can also contribute to "Flood prevention" objectives in the Churchbridge area, "Conservation of heritage assets", "Community facilities" and the provision of alternative Green Space as part of the Cannock Chase SAC mitigation, as well as broader objectives of tourism and economic regeneration. Hope that the Hatherton Branch Canal restoration project will be eligible for contributions from the Community Infrastructure Levy fund when this is established.</p>	<p>The Hatherton Branch Canal project is not excluded from potential CIL funding; it has merely been omitted from the CIL funding gap estimate at this time. This is in recognition of the fact that the cost of this project (in excess of £44million) will require much more substantial funds than could ever be provided via CCDC's CIL (currently estimated to generate around £3.4-£5 million over the remainder of the plan period). In terms of the prioritising the allocation of CIL funds, the Hatherton Branch Canal project would also most likely be less of a priority than other infrastructure which is required to directly support developments e.g. education, transport, local open spaces and the Cannock Chase SAC mitigation measures. The potential multi-functional benefits of the project are recognised and the categorisation of the project does not influence its eligibility or prioritisation in terms of CIL funding. Re-categorisation or further references to its multi-functionality will be considered in the next update of the IDP.</p>	<p>Consider categorisation of Hatherton Branch Canal project in next update of the IDP.</p>
<p>Marshall Bell Ltd</p>	<p>We are a small local business within the Cannock area that predominately provides New Build properties. Any additional cost will have the impact of increasing housing prices, as additional charges such as CIL cannot be absorbed into a cost base, particularly when taking into account the SAC</p>	<p>The SAC contribution is likely to cease and be funded from CIL from 2015 onwards. However the Council recognise that further work needs to be done in assessing viability issues which are specific to small builders of market housing and this will be built into the next stage of the</p>	<p>The SAC contribution is likely to cease and be funded from CIL from 2015 onwards. However the Council recognise that further work needs to be done in assessing viability issues which are specific to small builders of market housing and this will be built into the next stage of the</p>	<p>Undertake further work to assess viability issues in relation to small schemes. Consider outcomes in</p>

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	<p>charge of £450 per dwelling which CCDC already require. The introduction of a CIL will have a detrimental impact on local investment, employment and growth within the District, and will have a major effect on SME developers.</p>	<p>consultation of the draft charging schedule. It should be noted that CIL is not charged on affordable housing schemes. The Council has received very few requests to re-negotiate S106 agreements, but where evidence has shown that payment of the full range of obligations would raise major viability issues, we have been flexible in our response on a case by case basis. There is now specific legislative provision in place to enable completed S106 agreements to be amended on viability grounds.</p>	<p>production of Draft Charging Schedule.</p>
	<p>A 'discretionary relief policy' should be taken forward.</p>	<p>Noted. The Council will put forward a generic relief policy which will enable all developments to apply for relief, as required.</p>	<p>Consider discretionary relief policy.</p>
	<p>With regards to an instalments policy, any CIL charge should only be paid when the property is sold onto a third party. To offer a facility of instalments is pointless as the charge will still have a negative impact on cash flow until the property is actually sold.</p>	<p>Noted. The Council will consider an instalments policy for small schemes in the context of the above mentioned additional viability work. On small schemes CIL could be charged on completion to assist cash flow.</p>	<p>Undertake further work to assess viability issues in relation to small schemes. Consider outcomes in relation to instalments policy.</p>
<p>Natural England</p>	<p><u>Question 1 Response:</u> Cannock Chase Special Area of Conservation (SAC) needs to be prioritised.</p>	<p>Noted. This prioritisation will be determined on an annual basis in the allocation of collected CIL receipts. However it is likely that the Council would set out a rate to be 'top sliced' from all CIL receipts in order to ensure compliance with Habitat Regulation requirements.</p>	<p>Consider prioritisation of SAC mitigation measures as part of allocation of CIL funds.</p>
	<p><u>Question 2 Response:</u> The evidence base for the SAC should be recognised as underpinning the Infrastructure Delivery Plan, including most recent advice.</p>	<p>Noted.</p>	<p>Reflect up to date evidence and advice within next update of the IDP.</p>

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	<p><u>Question 3 Response:</u> Welcome inclusion of 'Mitigation of impact of new housing development on the Cannock Chase SAC'. Support use of CIL to address in-combination effects but SAC must take priority to ensure delivery of mitigation measures and compliance with the Habitat Regulations. Welcome inclusion of 'Open space, sport and recreation facilities' but recommend replacing it with 'green infrastructure' to allow greater flexibility and alignment with Local Plan.</p>	<p>Noted. The Council recognises the importance of the SAC mitigation measures in view of Habitat Regulations requirements. See above comments regarding allocation of CIL funds. The definition of infrastructure within the CIL Regulations has been used, and these reference 'open space, sport and recreation'. In addition, the 123 list will not have broad categories of open, sport and recreation or green infrastructure- the items will be specific projects.</p>	<p>Consider prioritisation of SAC mitigation measures as part of allocation of CIL funds.</p>
	<p><u>Question 4 Response:</u> Mitigation measures for the SAC need to be delivered up front, prior to dwellings being occupied. Need to consider this alongside any instalments policy.</p>	<p>Noted. The Council recognises the importance of the SAC mitigation measures in view of Habitat Regulations requirements.</p>	<p>Consider appropriate instalments policy.</p>
<p>Persimmon Homes (West Midlands)</p>	<p>Provide information on the use of CIL in the Thames Basin Heaths to provide useful context. Generally welcome use of a CIL charge as it can provide more certainty on the level of obligations required at an early stage. However, this CIL charge should not lead to developments being financially unviable when considered in tandem with other planning obligation requirements e.g. affordable housing, on site open space. It would be helpful for the Council to provide guidance to distinguish between on-site design requirements, site specific planning obligations and developer contributions through the Levy. In view of this the Council should consider an exceptional/discretionary relief policy and would urge the Council to be flexible to allow 'no-minimum' requirement on affordable housing to ensure viability and to facilitate deliverability.</p>	<p>Noted. Support in principle for the introduction of CIL as a more transparent way of funding infrastructure than via individual often protracted negotiations on S106 agreements is noted. CIL Regulations specifically preclude 'double counting' of S106 and CIL charges. The main purpose of the revised Developer Contributions SPD is to explain the circumstances when S106 agreements will still be needed, mostly for specific on site open space requirements, transport infrastructure and affordable housing. A separate Design SPD will deal with on-site design issues. The Local Plan policies recognise that there will be specific cases where viability issues will be raised and the SPD elaborates on this. The Council is minded to recommend a relief policy to deal with site specific viability issues.</p>	<p>Council to consider information provided. Consider discretionary relief policy. Consult on draft Developer Contributions SPD alongside CIL Draft Charging Schedule.</p>

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<p>Sport England</p>	<p>In principle the schedule is supported as it properly relates to policy for sports provision (CP5), includes sports facilities in the IDP and proposes to also use S106 agreements to secure onsite sports facilities through new major housing development.</p>	<p>Noted.</p>	<p>None required at this time.</p>
<p>SP Faizey Chartered Architects</p>	<p>Question whether a uniform, District-wide CIL rate is appropriate which means that developments in Norton Canes for example contribute to work in Rugeley. There is no direct link, unlike Section 106 agreements.</p>	<p>The Government has decided that the tariff-based approach of CIL provides the best framework to fund new infrastructure, particularly that which arises as a result of cumulative impacts from a number of small-medium developments. These developments do not typically pay contributions towards infrastructure needs via planning obligations. CIL monies can therefore fund cumulative, District-wide needs arising from numerous schemes. This is as opposed to a limited number of medium-large developments funding more specific infrastructure needs arising from their scheme alone, as currently occurs under the planning obligations system. To reinforce this, the CIL Regulations stipulate that from April 2015 (or the date a Council adopts it CIL charge, whichever is the sooner) Council's can not 'pool' more than five planning obligations from different developments towards one piece of infrastructure. The use of Section 106 agreements will therefore be curtailed in relation to funding cumulative infrastructure needs, meaning the Council needs to have a CIL in place to ensure it is able to continue funding infrastructure needs across the District.</p>	<p>None required at this time.</p>
	<p>Question the impact the proposed CIL charges will have on small scale schemes. Suggest a threshold of fewer than 10 dwellings to pay CIL with floor areas less than 75sqm should be set to pay no CIL.</p>	<p>The Council recognise that further work needs to be done in assessing viability issues which are specific to small builders of market housing and this will be built into the next stage of the</p>	<p>Undertake further work to assess viability issues in relation to small</p>

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	<p>An appropriate rate could then be set for larger developments and dwellings.</p>	<p>consultation of the draft charging schedule.</p>	<p>schemes. Consider outcomes in production of Draft Charging Schedule. None required at this time.</p>
	<p>The levy should be based on bed spaces, rather than floor area.</p>	<p>The CIL Regulations do not allow for charges per bed space. Developments must be charged based upon floor area.</p>	<p>None required at this time.</p>
	<p>CIL payments should be enforced via planning conditions rather than a separate legal agreement. Suggest a two staged payment schedule with 50% paid prior to commencement and 50% payable prior to first occupation, which could be on a per dwelling basis so that a developer only pays this when the property is sold.</p>	<p>Noted. The Council will consider an instalments policy for small schemes in the context of the above mentioned additional viability work. On small schemes CIL could be charged on completion to assist cash flow.</p>	<p>Undertake further work to assess viability issues in relation to small schemes. Consider outcomes in relation to instalments policy.</p>
<p>The Theatres Trust</p>	<p>Support nil charge for D1, D2 and sui generis uses. Support inclusion of cultural and community facilities within the Infrastructure Delivery Plan.</p>	<p>Noted.</p>	<p>None required at this time.</p>
<p>Walsall MBC</p>	<p><u>Question 1 Response:</u> Paragraph 38 of housing viability report – lower value areas (Value Points 1 and 2) show no CIL scope and negative residual land values. These low value areas should be defined on a map and it should be made clear whether you will only accept case-by-case viability appraisals for sites in those areas or across the whole District. Paragraphs 58 &amp; 59 of housing viability report suggests contributions might continue to be collected through S106 for impact on the Cannock Chase SAC but reference is made to this as an ‘interim’ policy and it is also identified on page 3 of the Preliminary Draft Charging Schedule Consultation Document as a potential for CIL. It will be interesting as you progress to the Draft Charging Schedule stage to see what the future intention is in the collection of funds towards the SAC whether it be through CIL or S106.</p>	<p>Paragraph 38 of the Adams Integra report states “In areas that may be typically lower value that are shown as Value Points 1 and 2, in our opinion it would not be appropriate to set lower rates bearing in mind that those locations may also “host” some higher value schemes. It is our opinion that individual schemes that are in these lower value areas should be looked at on a scheme by scheme basis. Where it can be shown that a residential scheme has particular viability issues then a case should be put forward by the developer which should then be independently assessed.” This paragraph relates purely to the affordable housing requirement. The report recommendation is clear that any site that a developer thinks has viability issues – for whatever reason (including low sales values) – can be assessed. However</p>	<p>Consult on draft Developer Contributions SPD alongside CIL Draft Charging Schedule.  Consider approach to SAC mitigation measures as part of draft Regulation 123 list work.</p>

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		<p>this only applies to the affordable housing element. It does not apply to CIL. CIL is non-negotiable (unless a developer specifically applies for CIL relief). The results of the study showed that the proposed CIL amounts should be able to be absorbed by any scheme in any value point area, but that affordable housing contributions may be more marginal in lower value point areas. The Council does not agree that a map of these areas would be useful. The Developer Contributions SPD will set out the Council's approach to assessing viability concerns on a case by case basis.</p> <p>As part of the 123 list and Developer Contributions SPD preparation process, the Council will be considering its approach to the collection of funds towards SAC mitigation measures.</p>	
	<p><u>Question 4 Response:</u> Phased payments should be offered for larger schemes where it can be evidenced that this would help the schemes overall viability i.e. payment on various stages of development can increase a schemes viability.</p>	<p>Noted.</p>	<p>Consider phased payments policy.</p>
	<p><u>Question 5 Response:</u> Yes a discretionary relief policy should be considered, particularly in lower value areas where viability is already an issue and may be dealt with on a case by case basis.</p>	<p>Noted.</p>	<p>Consider discretionary relief policy.</p>
	<p><u>Other comments:</u> Section 6 (page 4) of the Preliminary Draft Charging Schedule proposes a rate of £60 for 'food supermarkets/superstores &amp; retail park developments A1' – the floor space size(s) the rate will apply for each of these needs to be specified. Section 6 (page 4) of the Preliminary</p>	<p>Support for residential development charges noted. The Council has specified the floor space size that will apply to retail CIL charges in the Draft Charging Schedule.</p>	<p>Include floor space size for retail CIL charges in Draft Charging Schedule.</p>

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	<p>Draft Charging Schedule - Support proposed District-wide residential CIL charge of £40 per square metre subject to the first bullet point in response to Question 1 above.</p>		
<p>West Midlands Housing and Registered Providers (HARPs) Consortium (represented by Tetlow King Planning)</p>	<p>Council should ensure that the delivery of affordable housing is not squeezed by the CIL charges that are set too high. Affordable housing targets should be the starting point for setting CIL rates.</p> <p>Nothing inherently wrong with the Charging Schedule. However, consider that the wording of the Local Plan (Part 1) affordable housing policies. Concerned about the potential for the affordable housing target to be amended via SPD. Any target increase will impact upon the viability of CIL rates. As a result the 'non-negotiable' affordable housing element would be squeezed- see no evidence that a commensurate reduced residential CIL rate would be applied. Policy revisions should be made via a Local Plan/CIL review.</p>	<p>The Council's evidence base documents of the assessments of the economic viability of affordable housing targets alongside CIL address this.</p> <p>The Council considers that it has robustly assessed the combined impact on general viability of housing development from a combination of a £40 per sqm CIL charge and an aim to achieve 20% affordable units on market house builder's developments. The Local Plan has been found sound, so the process of reviewing the 20% target when market conditions indicate this to be appropriate via a revised SPD was agreed by the Inspector. The Council considers that it would be unreasonable to do a partial review of the Plan just to deal with a change in the general economic viability of housing development. The Council acknowledges that if it wanted to change the CIL rate (other than with index linking) it would have to go through a second examination. So focussing on increasing the delivery of affordable housing by increasing the target percentage, if a new assessment of a general improvement in viability showed that this was achievable, appears to the Council to be an appropriate policy response.</p> <p>It would not be appropriate to have to review the plan to deal with changed circumstances on tenure. The viability evidence is based on the assumptions about percentage of social rent</p>	<p>None required at this time.</p> <p>None required at this time.</p>
	<p>Local Plan policy does not specific tenure split, but the Economic Viability Assessment evidence assumes 80% social rented: 20% suitable intermediate tenure, which included some affordable</p>		

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	<p>rent. This split broadly reflects the SHMA Update (2012). However, funding changes now mean such a split is unlikely- assumptions need to be revisited and HARPs should be consulted upon this.</p>	<p>and intermediate including affordable rent from the analysis of demand in the SHMA.</p> <p>Affordable rent was never intended to make schemes more viable for developers. The Adams Integra reports therefore ignored affordable rent as a tenure in the study as its inclusion would have no effect on the overall viability of a scheme. For the purposes of the economic assessment report the term affordable rent is therefore embraced within the term social rented housing. If there is any difference in the revenue achieved for affordable rented units this would only have a positive effect on the viability of schemes. Also need to be aware that rents need to be "affordable" in local context.</p>	
<p>Welcome assessment of C2 use class older people's housing- shame this was not continued in the C3 use class assessment. Typically these schemes are less viable than standard market housing schemes. Further viability testing should be undertaken to address this.</p>		<p>The Council agrees this point about market housing for the elderly. In response to more detailed evidence produced on viability by another respondent to the initial consultation and the Council's own Adams Integra report evidence, we are minded to recommend a nil charge for this type of development.</p>	<p>Consider nil charge when producing Draft Charging Schedule.</p>
<p>Concerned that the Council has not included any real case studies in its CIL testing range. Agree with five 'value points' but more testing should be done for sites below 15 dwellings.</p>		<p>Adams Integra was provided with details of recently negotiated S106 agreements, including all of the financial obligations, to inform their viability studies. The Council agrees that some more detailed testing of the implications for small sites of charging CIL and seeking financial contributions to affordable housing needs to be done including some discussions with small builders who operate in the District (see response to Marshall Bell Ltd). Where small developments are entirely affordable units they</p>	<p>Undertake further work to assess viability issues in relation to small schemes. Consider outcomes in production of Draft Charging Schedule.</p>

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		<p>will be exempt from CIL and would not attract "pooled contributions" via S106 agreements for education or open space. The outcome of the recent DCLG consultation on financial contributions to affordable housing being limited to developments of more than 10 units will have implications for local policy on this issue.</p> <p>The Council agrees in principle that there needs to be a relief policy.</p> <p>The Council agrees in principle that there needs to be a phased payments policy.</p> <p>Noted. See above comments.</p> <p>Noted.</p>	<p>Consider discretionary relief policy.</p> <p>Consider phased payments policy.</p> <p>See above actions.</p> <p>None required at this time.</p>
<p>WM Morrison Supermarkets Plc (represented by Peacock and Smith)</p>	<p>Exemptions/CIL relief would help in the short-medium term delivery of affordable housing.</p> <p>Support phasing policy- suggests a policy which requires instalments in thirds with final payment on occupation- attach Havant Council's policy as an exemplar.</p> <p>Preliminary Draft offers sound basis for charging schedule subject to resolution of issue around affordable housing.</p> <p>Support for the proposed CIL rate of £60 /sq.m for food supermarkets/superstores. Consider this will not harm the viability of such schemes.</p>		

**Summary of other LPAs in the West Midlands CIL proposals**

<b><u>Local Planning Authority</u></b>	<b><u>Status of Charging Schedule</u></b>	<b><u>Development Types/Charging Rates (per square metre)</u></b>  <b><u>Development types not mentioned £0</u></b>
Shropshire	Adopted	Residential £40 urban, £80 rural
Stoke-on-Trent and Newcastle	Consultation completed on Preliminary Draft	Residential – 4 zones - £0, £20, £50 & £80.  Retail £100
Dudley	Consultation carried out on Draft Charging Schedule	Residential – 5 zones £0, £20, £50, £75 & £100 where <25% affordable housing. Same rates but different zones with >25% affordable. Retirement housing 3 zones £0, £20 and £100 with <25% affordable, same rates but different zones with >25% affordable.  Retail comparison and convenience A1 over 100sqm £100 apart from part of mixed use development at Merry Hill & Waterfront £0. A3, A4, A5 over 100sqm £95 except as part of mixed use development at Merry Hill & Waterfront.
Birmingham	Consultation completed on Preliminary Draft being revised, further consultation to be carried out.	Residential £55 in 4 value zones, elsewhere £0  Student housing £115 in 3 value zones elsewhere £0  Retail £150 to £380  Offices £15 to £55

		Hotels £25 to £45 Leisure £35
Solihull	Consultation completed on Draft to take forward to examination after challenge to Local Plan dealt with.	Residential – 3 zones £0, £75 and £150 Retail – 5 rates depending on size and type £0, £25, £50, £150 & £300 Financial & Professional Services – 2 zones £0 and £25 Food and Drink – 2 zones £0 & £100 Hotels – 2 zones £0 and £25 Residential institutions ( excluding hospitals & training centres ) – 2 zones £0 & £25 Car showrooms – 2 zones £0 & £75.
Sandwell	Consultation completed on Draft Charging Schedule	Residential in high value areas only £70. Retail varying from £25 to £75 depending on size of unit and type of retailing.
Lichfield	Consultation underway on Preliminary Draft Charging Schedule	Residential Burntwood & Armitage/Handsacre £30. Rest of District £50. Apartments £0. Retail £35 neighbourhood shops, £100 retail warehousing, £160 supermarkets.

**Appendix E Summary tables of S106 funding 2008-2014 and projected future funds****Cannock Chase Council S106 receipts 2008/2014**

Purposes for which funds obtained	Amounts £s
Open space sport and recreation	854,235
Public realm	201,467
Footpath/cycleway/public transport improvements	399,000
Town centre management	30,000
SAC mitigation	6,300
<b>Total</b>	<b>1,491,002</b>

**Staffordshire County Council S106 receipts relating to developments in Cannock Chase District 2008/2014**

Purposes for which funds obtained	Amounts £s
Highway and public transport infrastructure	232,923
Education	33,244
<b>Total</b>	<b>266,167</b>

**Committed S106 funding Cannock Chase Council 2014/2024**

Purposes for which funds committed	Amounts £s
Open space sport and recreation	3,266,147
Town centre improvements	95,000
SAC mitigation	42,300
<b>Total</b>	<b>3,403,447</b>

**Committed S106 funding Staffordshire County Council relating to developments in Cannock Chase District 2014/2024**

Purposes for which funds committed	Amounts £s
Highway and public transport infrastructure	951,000
Education	3,584,306
Country park	20,000
<b>Total</b>	<b>4,553,060</b>

**Projected additional S106 funding likely to be committed before adoption of CIL charging schedule Cannock Chase Council June-December 2014**

Purpose for which funds likely to be obtained	Amounts £s
Open space sport and recreation	719,761
SAC mitigation	75,000
<b>Total</b>	<b>794,761</b>