



Woking Borough Council

Community Infrastructure Levy

**Statement of how the Council has met the requirements of
Regulation 19 of the Community Infrastructure Levy
Regulations 2010 (as amended)**

January 2014



Produced by the Planning Policy Team

For further information please contact:

**Planning Policy, Woking Borough Council, Civic Offices, Gloucester Square,
Woking, Surrey, GU21 6YL.**

Tel: 01483 743871. Email: planning.policy@woking.gov.uk

STATEMENT OF HOW WOKING BOROUGH COUNCIL HAS MET THE REQUIREMENTS OF REGULATION 19 OF THE COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (as amended)

Woking Borough Council is satisfied that the Draft Charging Schedule has been prepared in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The information below demonstrates how the Council has met the requirements of Regulation 19 of the CIL Regulations.

Regulation 19 of the Community Infrastructure Levy Regulations 2010 (as amended) requires the Council as a charging authority to submit to the Examiner:

- (a) A copy of the Draft Charging Schedule;
- (b) A statement setting out if representations were made in accordance with regulation 17, the number of representations made and a summary of the main issues raised by the representations;
- (c) Copies of any representations made in accordance with regulations 17;
- (d) Where the charging authority modified the Draft Charging Schedule after it was published in accordance with regulation 16, a statement of modifications; and
- (e) Copies of the relevant evidence.

Regulation 17 specifically refers to the Draft Charging Schedule. The above requirements have therefore been addressed insofar as they relate to the Draft Charging Schedule. However, it is important to emphasise that the Draft Charging Schedule has evolved and the role of the Preliminary Draft Charging Schedule in informing the Draft Charging Schedule has been valuable. In this regard, as additional information for the Examiner, the above requirements have also been addressed in relation to the Preliminary Draft Charging Schedule.

A Statement of how the requirements of Regulation 19 have been met with regard to the Draft Charging Schedule

The Draft Charging Schedule was published for consultation between 22 July 2013 and 30 August 2013. A copy of the Statement of Representation Procedure is attached as **Appendix 1**. Direct mails were sent to over 2,000 individuals and organisations that are on the Council's consultation database. The list of the individuals and organisations is attached as **Appendix 2**. All the statutory consultees, neighbouring authorities and key stakeholders were also consulted. The statutory consultees were sent paper copies of the Draft Charging Schedule and the key supporting evidence base. The Draft Charging Schedule and the supporting evidence base were deposited at all the libraries in the Borough and the Civic Offices of the Council for inspection. The Statement of Representation Procedure was advertised in the local newspapers and published on the Council's website for public information.

Stakeholder involvement has been central to all the key stages of the Community Infrastructure Levy Charging Schedule process. Examples of direct involvement undertaken to inform the Draft Charging Schedule are:

Woking Chamber of Commerce – The Chamber has been directly and informally briefed at each key stage of the process to seek their input. They have also been formally consulted on the Draft Charging Schedule.

Woking Partnership – has been directly briefed at each key stage of the process to seek their input. It has also been formally consulted during the formal consultation on the Draft Charging Schedule.

Surrey County Council – The County Council will be key infrastructure provider for schemes listed on the Regulation 123 list. Consequently, the Council has constructively worked in partnership with them to prepare the Infrastructure Funding Gap Topic Paper, The Infrastructure Delivery Plan, the Draft Charging Schedule and the Regulation 123 list. The County Council was formally invited to make representations during the consultation on the Draft Charging Schedule.

Resident Associations – representatives of the various Resident Associations have received briefing on the Draft Charging Schedule and the need for them to input into the process.

Agents Forum – agents, developers and landowners who are on the Agents Forum have been directly briefed and invited to make representations to inform the process. They have also been formally consulted during the consultation on the Draft Charging Schedule.

Regulation 19 (1)(a) – A copy of the Draft Charging Schedule will be submitted to the Examiner for Examination.

Regulation 19 (1)(b)(i) – The number of representations made and a summary of the main issues raised by the representations

Overall, a total of 19 individuals and organisations made representations to the Draft Charging Schedule. The representations covered a wide range of views from different types of stakeholders. A list of the individuals and organisations that made representations, a summary of the main issues raised and how the Council have taken them into account in proposing changes to the Draft Charging Schedule is attached as **Appendix 3**. Hard copies of the representations received will be submitted to the Examiner in accordance with **Regulation 19 (1)(c)** and are also available for inspection from the Planning Policy Team. The Planning Policy Team can be contacted on 01483 743871 or e-mail: planning.policy@woking.gov.uk.

Regulation 19 (1)(d) – A schedule of proposed modifications to the Draft Charging Schedule

The Council has proposed modifications to the Draft Charging Schedule mainly to reflect the up-to-date costing of the infrastructure identified on the Regulation 123 list. The modifications have been informed by the representations received to the consultation on the Draft Charging Schedule. A schedule of the proposed

modifications is included in **Appendix 4**. A link to an electronic copy of the proposed modifications has been sent to all the consultees on the consultation database. In addition, paper copies of the proposed modifications have been sent to the statutory consultees and the individuals and organisations who made representations to the Draft Charging Schedule.

Regulation 19 (1)(e) - Copies of the relevant evidence used to support the Draft Charging Schedule

The following relevant documents have been used to support the Draft Charging Schedule. They are also part of the relevant documents submitted to the Examiner for the CIL Examination. These documents are also on the Council's website (www.woking.gov.uk).

- The Community Infrastructure Levy (CIL) Viability Study;
- Community Infrastructure Levy – Topic Paper on Infrastructure Funding Gap;
- Map illustrating the charging zones;
- CIL Strategic Environmental Assessment – Draft Screening Statement;
- Woking Core Strategy;
- Infrastructure Delivery Plan;
- Strategic Housing Land Availability Assessment;
- Five Year Housing Land Supply Position Statement.

Regulation 19 (2) – How documents and statements were sent to the Examiner

Regulation 19 (2)(a) – Paper copies of the required information set out in Regulation 19 (1)(a) – (e) have been sent to the Examiner.

Regulation 19 (2)(b) – Electronic copies of the documents required under Regulations 19 (1)(a), (b), (d) and (e) have been sent to the Examiner.

Regulation 19 (3) (a), (b) and (c) – A copy of the Draft Charging Schedule and all the other documents mentioned in Regulation 19 (1) have been deposited at the libraries across the borough and at the Civic Offices of the Council. The documents specified in Regulation 19 (3) have been put on the Council's website (www.woking.gov.uk).

All persons who have requested to be notified of the submission of the Draft Charging Schedule to the Examiner have been notified in accordance with Regulation 19 (3)(c).

In accordance with Regulation 19 (4), the schedule of proposed modifications has been sent to each of the persons invited to make representation under Regulation 15.

List of Appendices

Appendix 1 – Copy of the Statement of Representations Procedure.

Appendix 2 – List of individuals and organisations that were invited to make representations to the consultation on the Draft Charging Schedule and the Preliminary Draft Charging Schedule.

Appendix 3 – List of individuals and organisations that made representations to the Draft Charging Schedule, a summary of the main issues raised and how the Council have taken that into account in proposing modifications to the Draft Charging Schedule.

Appendix 4 – Schedule of proposed modifications to the Draft Charging Schedule.

Appendix 5 – List of individuals and organisations that made representations to the Preliminary Draft Charging Schedule, a summary of the main issues and the Council's response.

Appendix 6 – Schedule of proposed modifications to the Preliminary Draft Charging Schedule. (These modifications were incorporated into the Draft Charging Schedule before it was published for consultation).

A STATEMENT OF HOW CONSULTATION ON THE PRELIMINARY DRAFT CHARGING SCHEDULE HAS INFORMED THE DRAFT CHARGING SCHEDULE

Number of representations made on the consultation to the Preliminary Draft Charging Schedule, summary of the main issues and how the Council has responded to inform the Draft Charging Schedule

20 individuals and organisations made representation to the Preliminary Draft Charging Schedule. The names of the individuals and organisations that made representations, a summary of the main issues raised and the Council's response to them and how they were taken into account to inform the Draft Charging Schedule is included in **Appendix 5**.

Copies of any representations made in accordance with regulation 17

Hard copies of representations made in accordance with Regulation 17 of the Community Infrastructure Levy Regulation 2010 (as amended) with regard to the Preliminary Draft Charging Schedule are available for inspection from the Planning Policy Team. The contact details of the Planning Policy Team are 01483 743871 or planning.policy@woking.gov.uk.

Schedule of modifications to the Preliminary Draft Charging Schedule

The Council made a number of modifications to inform the Draft Charging Schedule as result of the consultation on the Preliminary Draft Charging Schedule. This schedule of modifications is included in **Appendix 6**. The modifications mainly but not exclusively cover the following broad areas:

- Revision of the instalment policy;
- Clarification of the amount of money that will be given to local neighbourhoods where development takes place;
- Inclusion of a Regulation 123 list setting out the list of schemes that CIL income will be used to deliver; and
- Update on amount of money raised in recent years through Section 106 Agreements.

Copies of relevant documents used to support the Preliminary Draft Charging Schedule

The following relevant documents have been used to support the Preliminary Draft Charging Schedule. They are also part of the relevant documents submitted to the Secretary of State for the CIL Examination. The documents are on the Council's website (www.woking.gov.uk).

- The Community Infrastructure Levy (CIL) Viability Study;
- Community Infrastructure Levy – Topic Paper on Infrastructure Funding Gap;
- Map illustrating the charging zones;

- CIL Strategic Environmental Assessment – Draft Screening Statement;
- Woking Core Strategy;
- Infrastructure Delivery Plan;
- Strategic Housing Land Availability Assessment;
- Five Year Housing Land Supply Position Statement

Approach to consultation on Preliminary Draft Charging Schedule

Whilst the CIL Regulations does not require the charging authority to provide information to the Examiner on how consultation on the Preliminary Draft Charging Schedule was carried out, the Council believes that this information is helpful to demonstrate the effort it has taken to reach out to as many people as possible to get them involved in the process. The Council has been concerned to ensure that the Preliminary Draft Charging Schedule and the Draft Charging Schedule were widely publicised and in sufficient time to give the public the opportunity to make their representations. A period of six weeks was allowed for representations to be made on both documents. Direct mails were sent to about 2,000 people and key stakeholders inviting them to make representation. A list of the consultees is included in Appendix 2. Copies of the relevant documents set out above together with the Preliminary Draft Charging Schedule were deposited in all the libraries in the Borough and were also put on the Council's website (www.woking.gov.uk). There was a press release in the local papers about the consultation.

The representations received on the consultation to the Preliminary Draft Charging Schedule and how they have been used to inform the Draft Charging Schedule was considered by the Local Development Framework Working Group and the Executive of the Council. All Councillors and Heads of Service have also received a briefing on CIL to ensure corporate support and understanding of its requirements. The Agents Forum and Local Resident Associations have also been briefed. Overall, the Council had done as much as it could to ensure that the public is adequately informed.

APPENDIX 1

Civic Offices
Gloucester Square
Woking
Surrey GU21 6YL

Telephone (01483)
755855
Facsimile (01483)
768746

DX 2931 WOKING

Email
wokbc@woking.gov.uk

Website
www.woking.gov.uk

22 July 2013

Dear Sir/Madam,

**Community Infrastructure Levy (CIL) Regulations 2010 (as amended) –
Statement of Representations Procedure for Draft Charging Schedule
And
Consultation on Climate Change Supplementary Planning Document (SPD)**

Woking Borough Council has published the above documents to give you the opportunity to submit any representations that you may have before they are either submitted to the Secretary of State for Examination or finalised for adoption.

You will recall that the Council published its Preliminary Draft Charging Schedule for consultation in February to March 2013. Comments received have been taken into account in preparing the Draft Charging Schedule. The publication of the Draft Charging Schedule is to give you a final opportunity to make your formal representations before the document is sent to an Independent Inspector for Examination. As a reminder, CIL is a standardised levy that is charged to new development for the purposes of raising funds to deliver infrastructure to support new development. The provision of infrastructure has implications for people who live,

work in and visit the Borough. In this regard, the Council values your involvement to ensure that the rates set for the Charging Schedule are at the right level.

The Climate Change SPD provides detailed guidance for the application of Policies CS22 – Sustainable construction and CS23 – Renewable and low carbon energy generation of the Core Strategy. It explains what developers need to do to meet the requirements of the above policies. It is therefore an important document to help deliver the requirements of the Woking Core Strategy. The Council will appreciate your comments and take them into account before the document is finalised for adoption.

The consultation period for both documents is between **22 July 2013 and 30 August 2013** and you are encouraged to send any representations that you may have.

The Draft Charging Schedule and the Climate Change SPD are available for inspection at the following venues:

- Woking Borough Council, Civic Offices, Gloucester Square, Woking, GU21 6YL. Monday to Friday 9am – 4.45pm.
- Woking, Byfleet, West Byfleet and Knaphill libraries. Please see www.surreycc.gov.uk for address and opening times of the libraries.
- On the Council's website via the following link:
<http://www.woking2027.info/infrastructure>

Representations can be e-mailed to planning.policy@woking.gov.uk or posted to:

The Planning Policy Team

Woking Borough Council

Civic Offices

Gloucester Square

Woking

Surrey GU21 6YL

Representations may be accompanied by a request to be notified at a specified address of any of the following:

- That the Draft Charging Schedule has been submitted for Independent Examination;
- The publication of the recommendations of any person appointed to carry out an Independent Examination of the Draft Charging Schedule; and
- The adoption of the Charging Schedule.

If you require this information, please remember to specify this when you send your representations to the Council with your contact address.

If you have any questions on the Draft Charging Schedule and/or the Climate Change SPD, please do not hesitate to contact a member of the Planning Policy Team on 01483 743871.

The Council has also published a number of documents that has been used as evidence to inform the Draft Charging Schedule. This includes:

- Community Infrastructure Levy Viability Study;
- Community Infrastructure Levy – Topic Paper on Infrastructure Funding Gap;
- Map illustrating where differential charging rates will apply; and
- Strategic Environmental Assessment – Draft Screening Statement.

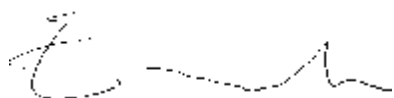
Copies of these documents can also be inspected at the deposit venues set out above and on the Council's website.

Next stages of the adoption process

Your representations on the Draft Charging Schedule together with the Draft Charging Schedule and other supporting documents will be submitted to the Secretary of State for Examination. It is anticipated that the Examination will be held sometime at the beginning of next year. You will be notified when the exact date is known. Subject to the recommendations of the Inspector, it is expected that the Charging Schedule will be adopted by April 2014. It is important to note that until CIL is adopted, the Council will continue to use Planning Obligations to secure developer contributions.

Representations received on the Climate Change SPD will be taken into account before it is finalised for adoption by the Council in early 2014.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ernest Amoako', with a stylized flourish at the end.

Ernest Amoako

Planning Policy Manager

Appendix 2: People and organisations consulted at each stage of the process

Specific Consultation Bodies

- Bisley Parish Council
- Chobham Parish Council
- Elmbridge Borough Council
- English Heritage South East Region
- Environment Agency
- Fairoaks Airport Ltd
- Guildford Borough Council
- Highways Agency
- Homes and Communities Agency
- Irish Travellers Movement in Britain (ITMB)
- Mobile Operators Association
- National Grid Control Centre
- Natural England
- Network Rail
- Ockham Parish Council
- Pirbright Parish Council
- Ripley Parish Council
- Runnymede Borough Council
- Scotia Gas Networks
- Secretary of State for Transport
- Send Parish Council
- South East Coast Strategic Health Authority
- South West Trains
- Southern Gas Networks
- Spelthorne Borough Council
- Sport England South
- Surrey County Council
- Surrey Heath Borough Council
- Surrey Police
- Surrey Primary Care Trust (PCT)
- Thames Water Planning (Property)
- The Coal Authority
- The Planning Inspectorate
- The Woking Partnership
- Veolia Water Central
- Virgin Care Limited
- West End Parish Council
- Wisley Parish Council
- Worplesdon Parish Council

Agents and developers

- A H K Associates
- A.N.D. Consulting
- AAP Architecture Ltd
- Adams Planning + Development Ltd
- ADM Architecture
- Alexson Homes
- Allchurch Bailey
- Alliance Environment & Planning
- AMG Planning and Development
- Anderson Planning & Development
- Antler Homes
- Apcar Smith Planning
- ARA Architects
- Architype
- ASDA
- Ashill Developments
- B R I C Developments Ltd
- Banner Homes (Wessex) Ltd
- Barratt Homes Southern Counties
- Barton Willmore LLP
- Batcheller Thacker
- BBF Fielding
- BCH architects
- Beaumonde Homes
- BECKBRIDGE LTD
- Beechcroft Developments
- Bell Cornwell Partnership
- Bellway Homes (South East)
- Berkeley Homes (Southern) Ltd
- Bewley Homes
- Birchwood Homes
- Bishopgate Homes Ltd
- Bloor Homes
- Blue Cedar Homes
- Blue Sky Planning Ltd
- BNP Paribas Real Estate
- Bonham Homes Ltd
- Bovis Homes Ltd
- Boyer Planning Limited
- Brimble, Lea And Partners

- Broadway Malyan
- Bryan Jezeph Consultancy
- Burhill Golf and Leisure Limited
- Business interest and support
- Cadenza Estates Ltd
- CALA Homes
- Cameron Jones Planning
- Cap Gemini
- Capita Norman & Dawbarn
- Carisbrooke Investments
- Carter Jonas LLP
- Carter Planning Ltd
- Castle Wildish Chartered Surveyors
- CgMs Consulting
- Charles Church Developments Ltd
- Charles Richards
- Chris Thomas Ltd
- Christchurch Bookshop Manager
- Churchods
- Clarence Country Homes Limited
- Clarke Willmott
- Clerical Medical Manged Funds Ltd
- Convery Developments Ltd
- Cooper Environmental Planning
- Country Land and Business Association
- Courtley Consultants Ltd
- Crane and Associates
- Crest Strategic Projects
- Croudace
- D & M Planning Partnership
- Dalton Warner Davis LLP
- David L. Walker Chartered Surveyors
- Day Tanner Partnership Ltd
- Development Planning Partnership
- DHA Architecture
- DHS Engineering
- Donnajane Whitcombe
- DPDS Consulting Group
- Drivers Jonas Deloitte
- DTZ
- Edgington Spink and Hyne Architects
- Edwards And Associates
- Enterprise First
- Exedra Architects
- Fairview New Homes Plc
- Federation of Small Businesses (Surrey and West Sussex Regional Office)
- Firefly
- Firstplan
- Floyd Matcham (Hampshire) Ltd
- Form Architecture & Planning
- Frank Winter Associates
- Fullerthorne
- Fusion Online Limited
- George Wimpey South West Thames
- George Wimpey West London Ltd
- Gerald Eve
- Gillenden Development Company Ltd
- Gleeson Strategic Land
- Glen House Estates Ltd
- GMK
- Goadsby and Harding Commercial
- Goldcrest Homes
- Gordon Ellerington Development Consultants
- GRB-Ventures
- Gregory Gray Associates
- Gurney Consulting Engineers
- GVA Grimley
- Hallam Land Management Ltd
- Hammerson UK
- Hayward Partnership
- Henry Adams Planning Ltd
- Henry Smith
- Heritage Architecture
- Heritage Property Consultant
- Heronsbrook
- Holder Mathias Architects
- Horsell Businesses' And Traders' Association
- House Builders Federation
- HTA Design LLP
- Humberts
- Hyder Consulting (UK) Ltd
- Icen Projects Limited
- Iconic Design
- Indigo Planning Ltd
- James Smith Associates
- John Ebdon Homes
- Jones Day
- Jones Lang LaSalle Ltd

- JSA Architects
- jsa architects
- Keane Property Ltd
- Kiely Planning
- King Sturge
- Knaphill Traders Association
- Knight Norman Partnership
- Knowles
- Lacey Simmons Ltd
- Lambert Smith Hampton
- Landmark Information Group Ltd
- Leach & Co
- Leith Planning Limited
- Levvel Ltd
- Linden Homes South-East Ltd
- Lizard Estates
- Local Dialogue
- M.C.S Design Planning Consultants
- M3 Enterprise LEP
- MAA Architects
- Mark Leedale
- Martin Critchell Architects
- Martin Gardner
- Martin Grant Homes
- Mary Hackett and Associates
- Mayer Brown
- MBH Partnership
- McCarthy & Stone (Developments) Ltd
- McLaren Group Limited
- MCS Design
- Mercury Planning
- MGA Town Planning
- Michael Shanley Group
- Millgate Homes
- Mitchell Evans Partnership
- Morgan Smithyes
- Mott Macdonald
- Mouchel Parkman
- Moyallen
- MRC Pension Trust Ltd
- Nathaniel Lichfield & Partners
- National Farmers Union (SE Region)
- National Housing Federation South East
- National Landlords Association
- Norman Knight Partnership
- Octagon Developments Ltd
- Omega Partnership
- Open Planning
- Parnell Design Partnership LLP
- Parsons Brinckerhoff
- Peacock & Smith
- Peacocks Centre
- Persimmon Homes (South East)
- Peter Allan
- Pitmans
- Planning Issues Ltd
- Planware Ltd
- Pleydell Smithyman Limited
- PRC Fewster Planning
- Proteus
- Pyrford Homes Ltd
- Quinton Scott Chartered Surveyors & Estate Agents
- Quod Ingeni Building
- R Perrin Town Planning Consultants
- Rapleys LLP
- Raspin Properties Limited
- RDJW Architects Ltd
- Reef Estates Ltd
- Repropoint
- Rippon Development Services
- Rolfe Judd
- Romans Land and Planning
- RPS Planning
- Runnymede Homes Ltd
- Rushmon New Homes
- Ruston Planning Limited
- Rutland Group
- Rydon Homes
- Savills
- Scott Brownrigg
- Shanly Homes
- St James South Thames Limited
- Stanhope plc
- Sterling Portfolio Management on behalf of Leylani Ltd.
- Stewart Ross Associates
- Strategic Land Partnerships
- Surrey Chamber of Commerce
- Surrey Connects
- Tanner and Tilley Town Planning Consultants
- Terence O'Rourke
- Tetlow King Planning
- The Garibaldi
- The Landmark Trust
- The Lightbox
- The Planning Bureau Ltd
- Thomas Eggar LLP

- Thomas Roberts Estate Ltd
- Tourism South East
- Toys R US
- Turley Associates
- Vail Williams
- Vincent Homes Limited
- Vincent James Homes Ltd
- Waterfall, Durrant & Barclays
- Wates Developments
- Wentworth Homes
- West Byfleet Business Association
- West Estates Limited
- West Waddy: ADP
- Weston Architects Ltd
- William Lacey Group
- William Nash PLC
- WM Morrison Supermarkets Plc
- Woking 20 Developments Ltd
- Woking and District Trades Council
- Woking Asian Business Forum
- Woking Borough Council Town Centre Manager
- Woking Chamber of Commerce
- Woking Shopmobility
- Wolsey Place Shopping Centre
- Woolf Bond Planning
- Work Space Group
- WYG
- WYG Management Services

Councillors (Local and County)

Elderly groups

- Age Concern
- Carers Support Woking
- Friends Of The Elderly

Environment and nature conservation groups

- Basingstoke Canal Authority
- Byfleet, West Byfleet & Pyrford Residents Association
- Campaign to Protect Rural England (CPRE) (Surrey)
- Campaign to Protect Rural England (CPRE) (Woking)
- Climate South East
- ecsc Ltd
- Energy Saving Trust
- Forestry Commission
- Friends Of The Earth
- Heathland Countryside Management
- Horsell Common Preservation Society
- Inland Waterways Association
- Local Agenda 21
- Maybury Sheerwater Partnership Garden Project
- National Trust
- Natural England
- NFU
- Open Spaces Society
- RSPB
- Surrey & Farming Wildlife Advisory Group
- Surrey & Hampshire Canal Society
- Surrey Countryside Access Forum (SCAF)
- Surrey Heathland Project
- Surrey Nature Partnership
- Surrey Wildlife Trust
- Urban Parks Forum
- Wildlife Trusts South East
- Woking Cycle Users Group
- Woking Local Action 21
- Woodland Trust

Heritage and conservation groups

- Ancient Monuments Society
- Commission For Architecture and The Built Environment (CABE)
- Council For British Archaeology
- English Heritage South East Region
- Georgian Group
- Surrey Archaeological Society
- The Garden History Society
- The Society For The Protection of Ancient Buildings
- The Twentieth Century Society
- Victorian Society

Housing Associations

- Downland Housing Association
- Greenoak Housing Association
- Housing 21
- Hyde Housing Association (Hyde Martlet)
- London & Quadrant Housing Trust
- Mount Green Housing Association
- Pinecrofe Housing Association
- Rosemary Simmons Memorial Housing Association
- Rosetower Ltd
- Servite Houses
- Stonham Housing Association
- Surrey Heath Housing
- Thames Valley Housing Association
- The Guinness Trust
- Tower Homes Ltd
- Welmede Housing Association

Leisure providers

- Ambassadors Theatre Group
- Arts Council for Woking
- Link Leisure
- Open Spaces Society
- Surrey County Playing Field Association
- The Lawn Tennis Association
- The Theatres Trust
- Tourism South East
- Urban Parks Forum
- West Byfleet Golf Club
- Woking Community Play Association
- Woking Football Club
- Woking Ramblers
- Woking Sports Council

Local Residents Associations

- Alpha Road Tenant & Leaseholders Association
- Anthony's Residents Association
- Blackbridge Road Residents
- Brambledown Residents Association
- Brookwood Village Association
- Byfleet Village Association
- Byfleet, West Byfleet & Pyrford Residents Association
- Cheapside Residents Association
- Claydon Road Residents Association
- Friars Rise Residents Association
- Gloster Road and Priors Croft Residents Association
- Goldsworth Park Community Association
- Hillside Residents Association
- Hockering Residents Association
- Hook Heath Residents' Association
- Horsell Park Neighbourhood Watch / Woking Association Neighbourhood Watches (WAN)
- Horsell Residents' Association

- Knaphill Residents' Association
- Lakeview Community Action Group
- Maybourne Rise & Woodpecker Way Residents Association
- Maybury Community Association
- Maybury Estate Neighbourhood Watch
- Mayford Village Society
- Moor Lane Area Residents Association
- Old Woking Community Association
- Old Woking Village Association
- One Stop Financial Security Ltd
- Pyrford Action Group
- Rydens Way Action Group
- Sandy Way Residents Association
- Sheerwater Neighbourhood Watch
- Sheets Heath Residents Association
- St Johns Residents Association
- St Johns Village Society
- Sutton Green Association
- Sutton Green Village Hall and Association
- Tenants Representatives Woking
- The East Hill Residents Association
- The Grove Area LTD
- The Ridge And Lytton Road Residents Association
- Westfield (Hoe Valley) Residents Association
- Westfield Common Residents Association
- Woodlands Community Group
- Wych Hill Way Residents Association

Local residents who have asked to be added to the LDF consultation database

Members of the Woking Borough Council Citizens' Panel

Minority groups

- Chinese Association of Woking (CAW)
- Deafplus
- Equality and Human Rights Commission
- Friends, Families And Travellers
- Gypsy and Traveller Forum
- Indian Association Of Surrey
- Irish Community Association
- Lakeview Community Action Group
- London Gypsy and Traveller Unit
- Muslim Community Centre
- National Association Of Gypsy And Traveller Officers
- Outline
- Surrey Access Forum
- Surrey Lifelong Learning Partnership (SLLP)
- Surrey Travellers Community Relations Forum
- The Gypsy Council
- The Gypsy Council (GCECWR)
- The Shah Jehan Mosque
- Transform Housing
- Woking Asian Business Forum
- Woking Association of Voluntary Service (WAVS)
- Woking Chinese School
- Woking Pakistan Muslim Welfare Association

MP for Woking

Religious groups

- Al-Asr Cultural & Community Centre
- All Saint's Church
- Christian Clinic For Environmental Medicine
- First Church of Christ Scientist
- Guildford Diocese
- Jehovah's Witnesses
- Muslim Community Centre
- New Life Church
- Religious Society Of Friends
- St Edward Brotherhood
- St Marks Church Westfield Woking
- St Mary's Church Office
- St. Edward Brotherhood
- St. Peter's Convent
- The Church Of England Guildford Diocesan Board Of Finance
- The Salvation Army
- The Shah Jehan Mosque
- Woking People of Faith

Schools and Young people

- Barnsbury Infant School
- Barnsbury Junior School
- Beaufort Community Primary School
- Broadmere Community Primary School
- Brookwood Primary School
- Byfleet Primary School
- Education Funding Agency
- Goldsworth Primary School
- Hoefield County Middle School
- Kingfield School
- Knaphill Lower School
- Knaphill School
- Lakers Youth Centre
- Lakeview Youth Club
- Local Education Officer
- Maybury Infant School
- New Monument School
- Pyrford Cof E (Aided) School
- Sheerwater Youth Centre
- St Dunstan's Catholic Primary School
- St Hugh Of Lincoln Catholic Primary School
- St John's Primary School
- St Mary's C Of E Primary School
- St. John The Baptist R.C Secondary School
- Surrey Lifelong Learning Partnership (SLLP)
- The Bishop David Brown School
- The Hermitage School
- The Horsell Village School
- The Marist Catholic Primary School
- The Oaktree School
- The Park School
- The Winston Churchill School
- West Byfleet Infant School
- Westfield Primary School
- Wishmore Cross School
- Woking College
- Woking High School
- Woking Schools Confederation
- Woking Youth Arts Centre
- Woking Youth Council

Transport Groups

- Arriva Southern Counties
- Carlone Buses
- Countryliner
- Freight Transport Association
- Reptons Coaches
- South West Trains Ltd
- Stagecoach South
- Woking Community Transport Ltd
- Woking Cycle Users Group
- Woking For Pedestrians

Other Consultees

- Abellio Surrey
- Albury Land (West Byfleet) Ltd
- Aviva Investors
- BNB Management
- Bracknell Forest Council
- British Horse Society
- British Land Properties
- Byfleet United Charities
- Charles Austen Pumps Ltd
- Church Commissioners
- Clifford Chance Secretaries Limited
- CNS Systems - Navigation, Spectrum & Surveillance
- Coal Pension Properties Ltd
- Community Learning Partnership
- DEFRA
- Doherty Baines
- Entec UK Ltd
- Epsom and Ewell Borough Council
- Fromson Construction Co Ltd
- Gay Surrey
- Guildford Police Station
- Hart District Council
- Health & Safety Executive
- HM Prison Service
- Home-Start Woking
- HTA Design
- JSA Architects
- Keith Hiley Associates Ltd
- Kier Homes Ltd
- Lewandowski Architects
- Liaise
- Local Committee & Partnership Officer (Woking)
- Main Allen Property Consultancy Ltd
- Mantle Panel Ltd
- Mayford Village Hall
- McCarthy and Stone
- Mole Valley District Council
- National Clinical Assessment Service
- Network Rail Property
- NHS Property Services
- NHS Surrey
- Nicholas Haddon & Associates
- North West Surrey Association Of Disabled People
- North West Surrey CCG
- NULAP
- Peter Black Associates
- POS (SE)
- PROWD (Partnership for the Regeneration of Old Woking)
- Royal Borough of Windsor and Maidenhead
- Royal Mail Group Ltd
- Rushmoor Borough Council
- SATRO
- Skills Funding Agency
- South East Coast Strategic Health Authority
- Southern Star Property Investments
- Surrey Community Action
- Surrey County Playing Fields Association (SCPFA)
- Surrey Disabled People's Partnership
- Surrey Fire and Rescue Service
- Surrey Police Commissioner's Office
- Tandridge District Council
- The Arbor Centre
- The Barnsbury Project
- The Planning Bureau Limited
- The Rotary Club of Woking
- The Sheerwater/Maybury Partnership
- UK Power Networks
- Walden Telecom Ltd
- Waverley Borough Council
- West Byfleet Women's Institute
- Wilson BCM
- Woking Conservatives
- Woking Liberal Democrats
- Woking MIND
- Wokingham Borough Council
- York Road Project

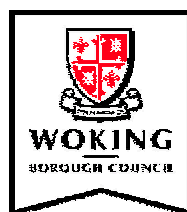


Woking Borough Council

Community Infrastructure Levy

Draft Charging Schedule – Analysis of Consultation responses

October 2013



Produced by the Planning Policy Team

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19 individuals and organisations responded to the consultation.

List of individuals and organisations who responded to the consultation

1. Highways Agency
2. Simon Millett (Sport England)
3. Berkeley Strategic Land Limited
4. Carter Jonas
5. R. E. Padgett
6. Turley Associates
7. Natural England
8. Gladman Developments Limited
9. Savills (on behalf of Thames Water Utilities Ltd (Thames Water))
10. John Hack
11. C. L. Cooper (on behalf of Chobham Parish Council)
12. Clive Davies (Chief Inspector of Surrey Police)
13. Anthony and Jenny Saunders
14. The Country Land and Business Association
15. Savills (on behalf of a consortium comprising: the Homes Builders Federation, Barratt Development Plc, Bloor Homes Ltd, Bovis Homes Group Plc, Crest Nicholson, Galliford Try Plc, Gladedale Group Ltd, McCarthy and Stone Retirement Lifestyle Ltd, Persimmon plc, Redrow Plc, Taylor Wimpey and the Miller Group Ltd)
16. Surrey County Council
17. Environment Agency
18. The Planning Bureau Limited (on behalf of McCarthy and Stone Retirement Lifestyles Ltd and Churchill Retirement Living Ltd)
19. Jit Associates Ltd

Summary of representations

- 1 Detailed transport assessment and junction modelling to assess the impact of development on the strategic road network and M25 junctions 10 and 11 should be requested when development comes forward. Any identified negative impacts should be appropriately mitigated.

Policy CS18 – Transport and Accessibility of the Core Strategy expects development proposals with significant transport implications to be accompanied by a transport assessment. This will ensure that any adverse impacts on the strategic network will be fully assessed and appropriately mitigated. **No further modification is recommended as a result of this representation.**

- 2 Whilst not challenging the charging rates, the infrastructure delivery body will need to satisfy itself that the charging rates are adequate to ensure sufficient funding for essential infrastructure.

CIL charging rates should be set at a level that should not undermine the viability of development or compromise the delivery of the Core Strategy, and delivery bodies should be mindful of that. It should also be emphasised that CIL is not expected to generate sufficient income to deliver the entire infrastructure necessary to support the Core Strategy. Public sector sources of funding will continue to play a key part in infrastructure delivery. This is evidenced by the scale of the funding gap and the expected CIL income identified in the Draft Charging Schedule and the Funding Gap Topic Paper. The Council will continue to work with infrastructure providers to ensure an effective and an integrated delivery of infrastructure in the area. **No further modification is recommended as a result of this representation.**

- 3 Development should contribute towards the sporting and recreational needs of their locality. Whilst it is acknowledged that Woking has a Playing Pitch Strategy, this was published in 2006 and there is concern that this might be out of date. The Council is encouraged to update and refresh the strategy.

The Regulations 123 list identifies sports and recreation as infrastructure that CIL income will be used on. The 2006 Playing Pitch Strategy was reviewed in 2012 and as such provides an up to date evidence base to support the Charging Schedule. **No further modification is recommended as a result of this representation.**

- 4 There is a failure of the viability assessment to assess the viability of large sites that will be released from the Green Belt to contribute towards meeting the housing requirement of the Core Strategy. Large sites often have abnormal costs that should be taken into account in the CIL viability assessment. It is possible that such an assessment could lead to a proposal for a lower CIL rates for large greenfield sites. This can be done as an addendum to the charging schedule.

The Core Strategic sets out a clear timetable for the release of Green Belt land for development. Land in the Green Belt is expected to be released for development between 2022 and 2027. The CIL Charging Schedule is for a period of 10 years but

acknowledges that it will have to be reviewed to take account of development between 2022 and 2027, in particular, the development of land that will be released from the Green Belt (see paragraph 5.3 of the Topic Paper on Infrastructure Funding Gap). The Charging Schedule has an in-built mechanism for monitoring and review to bring it up to date when necessary and at least at every five years (see paragraphs 5.16 to 5.19 of the Draft Charging Schedule). **No further modification is recommended as a result of this representation.**

- 5 There should be a mechanism for reviewing the viability information underpinning the CIL charging rates because the levy is fixed and non-negotiable.

The Draft Charging Schedule builds in sufficient scope to ensure that it is monitored and reviewed to bring it up to date to reflect changing economic circumstances (see paragraphs 5.16 and 5.19 of the Draft Charging Schedule). This will include a review of the evidence base that supports the Charging Schedule. **No further modification is recommended as a result of this representation.**

- 6 To ensure that infrastructure provided on large sites through section 106 agreements is equitable to the development proposed, the charging schedule should make provision for the cost of on site infrastructure or the provision of land, which meets a wider infrastructure need beyond that generated by the development site, to be off set against CIL payments. Alternatively, the infrastructure items could be included within the Regulations 123 list and paid for by CIL.

The CIL Regulations allows Section 106 Agreements to be negotiated for site specific requirements that will be necessary to enable development to happen. This will be in addition to CIL contribution. Whilst the viability methodology takes this into account, it is likely that this will only apply to a limited number of large scale schemes. The actual terms of any Section 106 Agreement can be negotiated on a case by case basis as it will vary from one scheme to another. The Development Delivery DPD will set out specific requirements for developing specific sites. However, any negotiation on a site specific Section 106 Agreement will be done in the context of the overall development viability of the scheme. The Draft Charging Schedule accepts that payment of CIL can be made in kind (see paragraph 5.4 of the Draft Charging Schedule). There is a formula for calculating that and any request for payment in kind will be dealt with on a case by case basis. **No further modification is recommended as a result of this representation.**

- 7 The Council should delay the timing of the first payment of chargeable amounts of less than £25,000 and £25,000 - £100,000 until 90 days after commencement. This will help ensure that development is viable by assisting with the cash flow of developers. For chargeable amounts of over £100,000, one third should be payable in three months, a third in 12 months and the final third in 18 month.

The Council has a Core Strategy, which it is committed to deliver in a sustainable manner. This will to a great extent depend on how well it is supported by adequate infrastructure. In the past infrastructure provision has lagged behind development and the Council is concerned to ensure that through CIL this is no longer the case. It is keen to ensure that as much as possible, subject to availability of funding,

infrastructure provision will be aligned to the delivery of development. Early payment of CIL contributions will contribute towards achieving this objective. The CIL Regulations expects payment in respect of a chargeable development to be due in full on the intended commencement date. The instalment policy is a discretionary proposal by the Council to help developers manage their cash flow by spreading CIL payments over a period of time. The Council has already made significant changes to the instalment policy in response to consultation on the Preliminary Draft Charging Schedule. The payment periods were extended to help developers manage their cash flow. Officers are satisfied that the instalment policy set out in the Draft Charging Schedule is generous and should be retained as it is. It is also stressed that presently contributions towards the mitigation of development impacts on the Thames Basin Heaths Special Protect Areas (SPA) is paid on commencement of development. This is the expectation of Natural England in the context of the European Directive. This is necessary to ensure that the mitigation is in place in advance of the development being completed to avoid harm to the SPA. **No further modification is recommended as a result of this representation.**

- 8 The use of CIL, which will mean that almost all residential development will be liable, is a significant change that will drive up house prices. The nil charge for many other uses (other than housing) is also driving up the rates for residential development.

The use of CIL as a means to secure developer contributions is a national policy. Whilst the Council is not obliged to adopt this approach, on balance it has decided to do so. The charging rates are informed by a viability assessment, and the evidence supports the charging rates for residential development. It is believed that the rates are at a level that will not compromise the viability of development coming forward. With the exception of retail development which will also be liable to a CIL charge, there is a nil charge for all other uses because a charge will compromise their development viability. **No further modification is recommended as a result of this representation.**

- 9 The Council must ensure that it strikes an appropriate balance between the desirability of funding from CIL and the potential effects (taken as a whole) on the imposition of CIL on the economic viability of development across the area. This means that the Council must consider the impact of CIL together with the policies of the Core Strategy on development when deciding on an appropriate CIL rate.

The Council was clear in its objective to ensure that a delicate balance is struck between the desirability of funding from CIL the actual and estimated total cost of infrastructure required to support development and the potential effects of the imposition of CIL on the economic viability of development across the area when it published the Draft Charging Schedule. This balance is seen in the context of the Council's commitment to the comprehensive delivery of the requirements of the Core Strategy. Paragraphs 3.1 and 3.2 of the Draft Charging Schedule make this point very clear and are consistent with the underlying principles of the CIL Regulations. The Draft Charging Schedule is informed by robust evidence of viability to ensure that the charging rates are reasonable and will not undermine the viability of development coming forward. The viability assessment is published on the Council's website (www.woking.gov.uk). The viability assessment takes into account the

burden on development of the requirements of the Core Strategy, including the requirement to provide affordable housing and the need to meet climate change obligations. **No further modification is recommended as a result of this representation.**

- 10 CIL should not be used as a mechanism for creating an unrealistic wish list of infrastructure projects in the area. The Council should also take account of possible other income streams. This should include New Homes Bonus and Council tax and business rates generated as a result of new development.

The Draft Charging Schedule includes a Regulation 123 list that sets out the list of infrastructure that CIL income will be used on. This is infrastructure that is identified as necessary to support the development proposals of the Core Strategy and is informed by the Council's Infrastructure Delivery Plan. The Draft Charging Schedule also takes account of other sources of funding. The Regulation 123 list has a column that deals with income from other sources. Sources of income such as the New Homes Bonus have been considered. It could also be top sliced for the Local Enterprise Partnership (LEP). It is a un-ringfenced income, which the Council has already committed to use to improve community facilities. **No further modification is recommended as a result of this representation.**

- 11 The Council needs up to date evidence that justifies the infrastructure that CIL will contribute.

The Regulation 123 list is informed by the Council's Infrastructure Delivery Plan, which has already been through an Independent Examination. The list also includes other sources of funding that could be expected in the next 10 years. The list of infrastructure identified to be delivered by CIL is informed by extensive body of other evidence base, which includes the Transport Assessment, the Playing Pitch Strategy and Open Spaces Audit and the Thames Basin Heaths Special Protection Area Avoidance Strategy. **No further modification is recommended as a result of this representation.**

- 12 In calculating the need for infrastructure, a distinction should be drawn between new and existing demands.

The Draft Charging Schedule is clear to emphasise that CIL is not expected to be used to address existing deficiencies in infrastructure provision. It is a means of securing contributions towards future development coming forward on the back of the Core Strategy (see paragraph 1.2 of Draft Charging Schedule). **No further modification is recommended as a result of this representation.**

- 13 The Council will need to justify that the proposed rates will not jeopardise development.

It has been a key objective of the Council to ensure that the charging rates are set at the level that will jeopardise development. The viability assessment provides a robust evidence base to ensure that this is the case. **No further modification is recommended as a result of this representation.**

- 14 Differential rates should be set in a way that will not impact disproportionately on a particular sector or small group of developers.
- Differential rates are only set for residential development in the Town Centre and the Priority Places and the rest of the Borough. The differential rates are informed by the viability assessment to ensure that it will not disproportionately impact on a particular sector or a small group of developers. **No further modification is recommended as a result of this representation.**
- 15 The Council should engage with local developers throughout the process.
- The Council has engaged with developers throughout the process. The consultants did engage with developers in preparing the viability assessment. The Council has also had a meeting with the Agents Forum to brief them about CIL and the need for them to engage in the process. Developers have been formally consulted at each key stage of the process. **No further modification is recommended as a result of this representation.**
- 16 It is important that the charging rates are set at a reasonable level and not too high.
- The charging rates are informed by a viability assessment and not set arbitrarily. They are set at a reasonable level to ensure that they will not compromise development viability. **No further modification is recommended as a result of this representation.**
- 17 The Council should have an instalment policy to give developers flexibility to pay contributions in line with development phasing schemes and to facilitate cash flow and therefore development viability.
- The Draft Charging Schedule already introduces an instalment policy. It has been through consultation at the Preliminary Draft Charging Schedule stage and amended to take account of comments received at the time. The Council is satisfied that the policy is very reasonable and will assist developers in managing their cash flow. **No further modification is recommended as a result of this representation.**
- 18 The Council may wish to consider using CIL contributions for enhancements to the sewerage network beyond that covered by the Water Industry Act and sewerage undertakers.
- The request is noted. At this stage the Regulation 123 list does not include enhancements to the sewerage network. However, the list will be regularly reviewed and if the Council considers that this should be a priority scheme in the future, there is sufficient scope to include that. **No further modification is recommended as a result of this representation.**
- 19 There is significant inconsistency between the proposed charging rates for Woking Borough and that of Surrey Heath Borough. For the charges being proposed, a property of 250 sq.m will attract a chargeable rate of £62,500 in Surrey Heath and £31,250 in Woking, which seems disproportionate for properties that otherwise enjoy similar benefits.

Whilst it is acknowledged that the charging rates for Woking are relatively lower than what is being proposed for Surrey Heath Borough, they are different areas with different viability assumptions. Woking has ensured that its proposed charging rates are set at a reasonable level and justified by viability evidence. It is assumed that Surrey Heath Borough Council has applied the same principles. **No further modification is recommended as a result of this representation.**

- 20 There should be a financial contribution arising from development to support the Police. Policing is a population based service and the uplift in population due to housing growth would inevitably place demands on existing policing services including staff and custody accommodation. CIL contributions should therefore be used to mitigate the impacts of development on policing if the current low crime rates are to be maintained. Contributions are sought for items such as uniform and protective equipment, patrol vehicles, recruitment costs, probationer constable and staff induction training and mobile communication systems. The contribution should be proportionate to the type and size of development.

The Regulation 123 list does not include the list of items suggested by the Police to be funded from CIL income. The Planning Act of 2008 provides a wide definition of infrastructure that can be funded by CIL, including transport, flood defences, schools, hospitals, and other health and social facilities. Many of the items listed by the Police to be funded by CIL are revenue costs that do not fall under the definition of infrastructure. However, it is important that the Council has a dialogue with the Police to see how best future reviews of the CIL Charging Schedule could accommodate their needs, in particular, those elements of their requirements that can be defined as infrastructure. It should also be emphasised that the Police will get an increase in council tax receipts as a result of the increase in the number of households due to future development. **No further modification is recommended as a result of this representation.**

- 21 The Police needs to be part of Woking's plans in establishing CIL as a charging authority. The request for the Police to be part of CIL is in compliance with Circular 05/05. There is no existing funding source for the police service to support required growth from central Government and local taxation. Without CIL income it is likely that policing will be adversely impacted upon and the creation of safe communities compromised.

See 20 above. **No further modification is recommended as a result of this representation.**

- 22 There is no clear definition of infrastructure but this should include roads, schools, doctor's surgeries, hospitals, community facilities, police and emergency services.

The definition of infrastructure is wide ranging and is clearly set out by the Planning Act of 2008. Policy CS16 – Infrastructure Delivery of the Core Strategy also provides a clear definition of infrastructure, which includes the items listed by the representation. However, for the purposes of CIL, paragraph 6.1 of the Infrastructure Funding Gap Topic Paper lists the infrastructure that CIL income will be spent on. This is reiterated in paragraph 3.5 of the Draft Charging Schedule. This list will be

reviewed regularly and it is possible that other infrastructure items will be added and/or subtracted from the list in future. **No further modification is recommended as a result of this representation.**

- 23 All CIL payments should be received before first occupation without exception.

Full payment of CIL liability is expected be made by first occupation. This is set out in the instalment policy of the Draft Charging Schedule. **No further modification is recommended as a result of this representation.**

- 24 The obligation for CIL payment must lie with the development and not just the initial developer. Any loopholes that allow the developer to escape payment must be corrected.

The liability for a CIL charge runs with the land for which planning permission is granted and it is registered as a land charge. This is clarified by government legislation. **No further modification is recommended as a result of this representation.**

- 25 It appears that most of CIL income in practice will not be used for infrastructure enhancement. For example, 5% will be set aside for administration costs, 25% for local communities where development takes place, 40% for the provision of Suitable Alternation Natural Greenspace (SANG). This leaves only 30% for true infrastructure upgrade.

It is a requirement by Government to give up to 25% of CIL income to communities where development occurs. The 25% applies to communities with an adopted Neighbourhood Plan. Communities without Neighbourhood Plans will receive 15%. The Government has also said that up to 5% of CIL income could be used towards the cost of administration. The Council is required under the European Union Directive to mitigate the impacts of development on designated sites of European significance. It is therefore correct to suggest that this will leave a small percentage of money for other forms of infrastructure. The Council will continue to seek other sources of funding towards infrastructure provision. **No further modification is recommended as a result of this representation.**

- 26 A CIL charge should not be imposed on agriculture or forestry, employment and commercial development as these are important areas for rural farmers and landowners to diversify in order to support their farming and enterprise.

The CIL charge will only apply to residential and retail development in the Borough. **No further modification is recommended as a result of this representation.**

- 27 The Council should not impose a CIL rating on retail developments in the rural areas as farm shops would have to pay CIL charges as they will fall under the food retail use type. Farm shops are a diversification from agriculture and should not be treated the same way as large supermarkets. Clarification is also sought that Clay Pigeon Shooting grounds and sui generis uses are exempt from CIL as they fall under leisure.

The viability assessment justifies a CIL charge for retail development. It should be emphasised that small scale developments of less than 100 sq.m of net internal floorspace are exempt from CIL charge unless the development will comprise one or more dwellings. It can be confirmed that, at this stage, there will be a nil charge for sui generis uses, which will include clay shooting grounds. (they are however not exempt from CIL charge). **No further modification is recommended as a result of this representation.**

- 28 Concern is expressed of the differential rates for residential development in the Town Centre and the Priority Places and the rest of the Borough. There is no evidence base to justify higher rates outside the Town Centre and the Priority Places.

The viability assessment provides robust evidence to justify the differential rates for the Town Centre and the Priority Places and the rest of the Borough. The viability assessment is on the Council's website (www.woking.gov.uk). **No further modification is recommended as a result of this representation.**

- 29 Clarification is sought about what happens if a landowner decides to build houses to keep within their long term ownership or to rent to diversify their income through a residential portfolio of properties. Also no allowance has been made for housing needed for rural businesses such as agriculture and forestry and other essential rural workers. This should not attract a CIL charge.

All residential development within Class C3 Use of the Use Classes Order will be liable to a CIL charge in accordance with the rates set out in the Draft Charging Schedule. This will include houses needed to service rural businesses. **No further modification is recommended as a result of this representation.**

- 30 The Council is choosing to apply a CIL rate, which does not reflect the realities of the economics of development and ignores the cumulative impacts of policy and infrastructure requirements. Concern is therefore expressed about the viability assessment that underpins the rates.

The viability assessment that underpins the Draft Charging Schedule takes into account current market conditions and all the other requirements of the Core Strategy such as affordable housing provision and the need to meet climate change requirements. **No further modification is recommended as a result of this representation.**

- 31 It is imperative that the evidence supporting CIL clearly outlines the key infrastructure projects required to support development and a well informed evidence base of economic viability. Charging Authorities wishing to introduce CIL should propose a rate which does not put at serious risk the overall development of the area, in this case the requirements of the Woking Core Strategy.

The Draft Charging Schedule includes the Regulation 123 list that is informed by the Council's Infrastructure Delivery Plan and the Transport Assessment of the Core Strategy. The list is therefore informed by credible evidence base. The viability assessment has been used to ensure that the rates are set at a reasonable level in

order not to compromised the delivery of the Core Strategy. **No further modification is recommended as a result of this representation.**

- 32 There is no factual sales evidence in the viability assessment report and the evidence relied upon should be made public. Evidence in relation to benchmark land values is out of date.

The viability assessment report makes it clear that VOA information was used to inform the viability assessment. In recent years, it has rarely been possible to secure any factual comparable information owing to scarcity of land deals universally and not just in Woking. In any event, even where sales evidence is available, reliable analysis is difficult to carry out and there are usually a range of sensitivities around reporting it. **No further modification is recommended as a result of this representation.**

- 33 DSP have not tested site typologies similar to potential future site allocations, which could form much larger strategic sites in excess of 100 units.

The consultants have confirmed that the site typologies used in the viability assessment reflects the range of typical sites that will come forward on the back of the Core Strategy in the next 10 years. Potential future Green Belt land release for development and implications for CIL is dealt with in paragraph 4 above. **No further modification is recommended as a result of this representation.**

- 34 The viability assessment has assumed that the affordable housing levels will be set in line with policy set out in the adopted Core Strategy. Whilst the principle is agreed, it is a simplistic approach to affordable housing revenue and benchmarking against achieved revenues from Registered Providers should be undertaken.

The Council is committed to deliver the affordable housing requirements of the Core Strategy. The policy and its implications on development viability have been tested at the Core Strategy Examination. It is therefore proper and reasonable for that to be used to inform the CIL viability assessment. **No further modification is recommended as a result of this representation.**

- 35 The Council has set two charging zones for residential use, which will restrict the ability to reflect the varying levels of affordable housing required in different areas. A more comprehensive approach should be taken to allow for fluctuation between high and low value residential areas.

The different zones have differential development costs and development values. Consequently, it will not restrict the ability to reflect the varying levels of affordable housing required in the different zones. **No further modification is recommended as a result of this representation.**

- 36 Greater clarity is needed regarding schemes which the Council consider will be funded through site specific Section 106 Agreements.

The CIL Regulations allow Section 106 Agreements to be negotiated for site specific requirements that will be necessary to enable a development to happen. Whilst the methodology for the viability assessment takes this into account, it is likely that this

will only apply to a limited number of large scale schemes. The actual terms of any Section 106 Agreement can be negotiated on a case by case basis as it will vary from one scheme to another. Any negotiation on a site specific Section 106 Agreement will be done in the context of the overall development viability. The Council is in the process of preparing its Development Delivery Development Plan Document (DPD), which will allocate specific sites for development. Until this is completed it is difficult to be certain of the site specific requirement that could be associated with the development of specific sites. **No further modification is recommended as a result of this representation.**

- 37 The standard build cost used for the viability assessment is out of date.

The Council is confident that the standard built costs used for the viability assessment are not out of date. **No further modification is recommended as a result of this representation.**

- 38 The cost of promoting a site through the planning process can be considerable, in particular, for large urban extensions and should be taken into account. Site abnormal costs should also be taken into account. Professional fees should also take account of the costs associated with bringing forward and implementing sites, including outline planning cost, reserved matters and discharge of conditions costs.

The viability assessment assumes the following development costs – professional and other fees, site acquisition fees, finance, marketing costs and developer profit. These are considered reasonable and typical development costs. It will be very difficult to quantify site abnormal costs at this stage. However, the Council accepts that abnormal development costs could influence the viability of schemes. Whilst this will be taken into account in any Section 106 Agreement, it will be tailored to particular needs where they are proven to be necessary. **No further modification is recommended as a result of this representation.**

- 39 CIL rates should not be set to the margin of viability. There should be a viability cushion to take account of the risk of delivery flowing from the potential for some sites to achieve lower sales value than other. Allowance should be made to account for the variation in landowner aspirations as well as the potential difference in costs and values of individual sites.

There is no need to build into the charging rates a viability cushion to take account of the risk of delivery flowing from the potential for some sites to achieve lower sales value than others. The charging rates are informed by a viability assessment and they are set at a reasonable level that will not compromise the comprehensive delivery of the Core Strategy. Land owner aspirations, development costs and value may change due to the changing nature of the economy. However, the Draft Charging Schedule has in-built mechanism for monitoring and review to ensure that the rates reflect up to date circumstance. Paragraphs 5.16 to 5.19 of the Draft Charging Schedule deals with monitoring and review of the Charging Schedule. **No further modification is recommended as a result of this representation.**

- 40 The minimum acceptable development profit margin for HBF Consortium is 20% of GDV on all units and not just private. However, for smaller, higher risk developments, the profit levels expected will be higher to reflect the increased risk.

The Council takes the view that the 20% developer profit for open market housing and 6% for affordable housing used to assess development costs in the viability assessment are reasonable. **No further modification is recommended as a result of this representation.**

- 41 The instalment policy should also include a threshold for larger schemes for which a bespoke payment method can be agreed in writing as part of the application process.

The instalment policy is a discretionary measure that the Council has chosen to exercise to help with the cash flow of developers. Officers are of the view that the proposed instalment policy is sufficiently generous to enable this objective to be achieved. **No further modification is recommended as a result of this representation.**

- 42 The Council should offer relief to ensure the comprehensive delivery of the Core Strategy.

The charging rates are set at a reasonable level to ensure the comprehensive delivery of the requirements of the Core Strategy. Consequently, at this stage it is not thought that an offer of relief for certain types of development will be necessary. The effects of the introduction of CIL will be closely monitored and any lessons will be used to inform future reviews of the Charging Schedule. **No further modification is recommended as a result of this representation.**

- 43 There should be a review of the Charging Schedule within at least 12 months from adoption.

Paragraphs 5.16 to 5.19 of the Draft Charging sets out clearly the basis upon which the Charging Schedule will be reviewed. A commitment to review it within 12 months from adoption will be arbitrary and unreasonable. **No further modification is recommended as a result of this representation.**

- 44 Surrey County Council has requested the following amendments to previous information that they provided to the Council. The changes are in bold: The last sentence of paragraph 6.8 of the Community Infrastructure Levy – Topic Paper on Infrastructure Funding Gap should be amended to read ‘Sections 7 and 8 of the IDP also provides information regarding future education provision in Woking **but there have been further developments since the publication of this document.**

The County Council has suggested a number of factual amendments to the Draft Charging Schedule. These are set out in paragraphs 44 to 51 of the summary of representations. These are factual updates to information that they had previously submitted to the Council and should be accepted in full. **Further modification is recommended as set out in paragraphs 44 to 51 of the summary of modifications.**

- 45 The word 'could' in the second sentence of paragraph 6.9 of the Funding Gap Topic Paper should be changed to 'will'.

See 44 above.

- 46 The education section of Table 3 of the Infrastructure Funding Gap Topic Paper should be amended as follows:

Infrastructure	Infrastructure required	Total funding required	Existing from other sources	Funding gap
Education	19 primary school classrooms and ancillary spaces 13 secondary school classrooms and ancillary spaces Early year provision	£16,088,227	£0	£16,088,227

See 44 above.

- 47 The same changes are requested to be made to the education section of Table 1 of the Draft Charging Schedule.

See 44 above.

- 48 The words '**and ancillary spaces**' should be inserted between 'classrooms' and 'over' in the education section of paragraph 3.6 of the Draft Charging Schedule.

See 44 above.

- 49 The date for the delivery of Victoria Arch in the Regulations 123 list should be amended to **2015** (instead of 2017).

See 44 above.

- 50 The A245 Old Woking Road outside Marist School crossing should be deleted from the Regulations 123 list. It is currently being delivered at a cost of £100,000.

See 44 above.

- 51 The figures on education in Table 7 of the Draft Charging Schedule should be amended as set out above. The estimated cost should be **£16,088,227**, money secured should be **£0** and the funding gap should be **£16,088,227**.

See 44 above.

- 52 The text above Table 7 of the Draft Charging Schedule implies that schemes on the Regulations 123 list will not be funded by Section 106 Agreements. Surrey County Council is not sure whether this should be the case.

The Regulation 123 list provides the specific list of schemes that CIL income will be used on. In addition to CIL contributions, the CIL Regulations allows contributions to be sought on the back of Section 106 Agreements for site specific requirements that are necessary for a development to come forward. Appendix C: Regulation 123 list of the Draft Charging Schedule gives the impression that contributions on the back of Section 106 Agreements cannot be used to deliver any of the schemes on the Regulation 123 list, which is not entirely the case. In this the second sentence of the second paragraph of Appendix C should be modified to provide clarification on this matter. **Further modification is recommended to the second sentence of the second paragraph of Appendix C of the Draft Charging Schedule to read as follows: The Regulation 123 list also gives an indication of the specific schemes or projects that will not be funded through Section 106 Agreements except where any of the schemes on the Regulation 123 list are also necessary to enable a particular development to come forward as a site specific requirement. In all cases, the Council will ensure that double counting is avoided.**

- 53 Future reviews of the Regulation 123 list should consider the inclusion of schemes that Woking Borough Council, Environment Agency and other stakeholders are currently exploring.

The point made by the Environment Agency is noted. **No further modification is recommended as a result of this representation.**

- 54 The emerging CIL could prohibit the development of specialist accommodation for the elderly at the time when there is existing and urgent need for this form of development. Specialist accommodation for the elderly such as sheltered accommodation differs from general housing because of the need for communal floorspace built to a high specification, slow sales rate and higher empty property costs.

Paragraphs 54 to 57 are closely related and are all comprehensively addressed in this response. The viability assessment does acknowledge specific viability issues associated with specialist accommodation. Section 3.7 of the viability assessment specifically deals with residential institutions – care homes and similar. The viability assessment recommends a nil charge for C2 Use Class development and this has been followed in the Draft Charging Schedule. Obviously, if by all intent and purpose the specialist accommodation is classified as C3 Use Class, then the CIL charging rate for residential development will apply depending on the charging zone of the location of the development. Whilst there might be complicated factors to be taken into account, a rule should be applied that gives the retirement market a special treatment. This might go against the state aid rules. It should not be exempt from the charge either even though it is recognised that many types of specialist

accommodation will be charged at a nil rate. The impacts of the Charging Schedule will be closely monitored, including its impacts on the provision of specialist accommodation. The outcome of the monitoring will be used to inform future reviews of the Charging Schedule.

There is no demonstrable evidence that CIL will prejudice the delivery of retirement housing against competing uses of land suitable for retirement housing, in particular, when there is a nil charging rate for many of the specialist accommodation that are likely to come forward. Where there is a CIL liability for the development, the CIL is expected to come out of the land value. As a sustainability principle, the Core Strategy directs most new development to previously developed land in the town, district and local centres, which offers the best access to a range of services and facilities. The charging rates are therefore informed by the development costs of typical sites in these locations. These are the type of sites that are likely to be used for specialist accommodation. Land value will always be influenced by the potential use of the land, and this will be the case with or without the introduction of CIL.

It is important to emphasise that the Council recognises the need for elderly people's accommodation. This is emphasised by Policy CS13 – older people and vulnerable groups of the Core Strategy. However, Officers are of the opinion that the proposed charging rates will not undermine the delivery of specialist accommodation. The viability assessment provides sufficient evidence to justify this position. **No further modification is recommended as a result of this representation.**

- 55 The imposition of CIL on accommodation for the elderly will be to constrain land supply. CIL guidance is clear that in proposing a levy rate, charging authorities should show that the proposed rate would not threaten the delivery of the relevant plan as a whole. The viability of specialist accommodation has been given marginal consideration by the viability assessment. CIL could have an adverse impact on the ability to successfully compete for land and develop elderly people's accommodation. Charging authorities should differentiate between retirement housing and general needs homes where viability is an issue. There is a considerable amount of guidance to help test the viability of specialist accommodation.

See response to 54 above.

- 56 The introduction of CIL will make retirement homes uncompetitive against other alternative competing uses. Consequently, an alternative approach will be to exempt retirement housing with an age restriction from CIL charges. This will ensure positive viability against competitor schemes.

See response to 54 above.

- 57 The provision of elderly people's accommodation is location sensitive. It requires a location that is close to key services and facilities, often on previously developed land with existing use value. Care must be taken to ensure that specialist housing is not squeeze out of the land market.

See response to 54 above.

- 58 The Infrastructure requirement table (Regulations 123 list) should also include the provision of managed broadband communication infrastructure and IP CCTV for crime prevention and visible policing.

The Draft Charging Schedule and its supporting evidence base acknowledges that the definition of infrastructure is wide ranging and could include a number of other schemes that are presently not on the Regulation 123 list. However, CIL will secure a small amount of money relative to the overall cost of infrastructure that will be necessary to support development. Consequently, the Council has had to prioritise and for the purposes of CIL has chosen at this stage to concentrate on transport, education, open space provision and the provision of SANGs to mitigate the impact of development of the Thames Basin Heath Special Protection Areas. The Regulation 123 list will be regularly updated and the Council may wish to consider broadband communication infrastructure in future. Having said that, the fact that broadband communication is not on the Regulation 123 list does not mean that it will not be delivered. For example, the County Council is leading on a project to extend broadband coverage to most parts of Surrey. Furthermore, the Council will continue to seek other sources of funding to deliver the necessary infrastructure required to support development, including the smart economy. **No further modification is recommended as a result of this representation.**

- 59 The projected cost for the maintenance of schemes identified in the Playing Pitch Strategy will have to be RPI index linked.

Paragraph 4.1 and Appendix A of the Draft Charging Schedule sets out the approach for calculating the chargeable amount. The chargeable amount will be index linked. **No further modification is recommended as a result of this representation.**

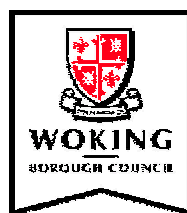
- 60 Policy CS12 – Affordable Housing will have to be reviewed to be in keeping with the CIL timetable.

The Core Strategy sets out a clear policy framework for the provision of Affordable Housing. The Core Strategy was adopted in October 2012, and its provisions are considered up to date. The CIL viability assessment takes into account the Affordable Housing requirements of the Core Strategy. It is expected that the level at which the charging rates are set will not undermine the delivery of Affordable Housing in the area. **No further modification is recommended as a result of this representation.**



Woking Borough Council
Community Infrastructure Levy – Draft
Charging Schedule
Schedule of proposed changes

October 2013



Produced by the Planning Policy Team

For further information please contact:

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- 1 The last sentence of paragraph 6.8 of the Community Infrastructure Levy – Topic Paper on Infrastructure Funding Gap should be amended to read ‘Sections 7 and 8 of the IDP also provides information regarding future education provision in Woking **but there have been further developments since the publication of this document**’
- 2 The word ‘could’ in the second sentence of paragraph 6.9 of the Funding Gap Topic Paper should be changed to ‘will’.
- 3 The education section of Table 3 of the Infrastructure Funding Gap Topic Paper should be amended as follows:

Infrastructure	Infrastructure required	Total funding required	Existing from other sources	Funding gap
Education	19 primary school classrooms and ancillary spaces 13 secondary school classrooms and ancillary spaces Early year provision	£16,088,227	£0	£16,088,227

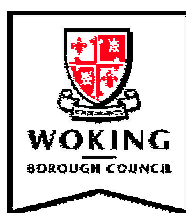
- 4 The same changes are requested to be made to the education section of Table 1 of the Draft Charging Schedule.
- 5 The total funding required for outdoor sports and the funding gap in Table 3 of the Infrastructure Funding Gap Topic Paper should change to £5,474,000. The same change is requested to be made in Table 1 of the Draft Charging Schedule to reflect up to date information by the Council.
- 6 The combined total funding for child play space and teenage play space and the funding gap as set out in Table 3 of the Infrastructure Funding Gap Topic Paper should change to £1,120,000. The same change is requested to be made in Table 1 of the Draft Charging Schedule. Consequential amendments should be made to Appendix 2 – Leisure and Recreation of the Infrastructure Funding Gap Topic Paper to reflect the new figures for outdoor sports and child and teenage play space.
- 7 The words ‘**and ancillary spaces**’ should be inserted between ‘classrooms’ and ‘over’ in the education section of paragraph 3.6 of the Draft Charging Schedule.

- 8 The date for the delivery of Victoria Arch in the Regulations 123 list should be amended to **2015** (instead of 2017).
- 9 The A245 Old Woking Road outside Marist School crossing should be deleted from the Regulation 123 list. It is currently being delivered at a cost of £100,000.
- 10 The figures on education in Table 7 of the Draft Charging Schedule should be amended as set out above. The estimated cost should be **£16,088,227**, money secured should be **£0** and the funding gap should be **£16,088,227**.
- 11 The figures for open space provision as set out in Appendix C – Regulation 123 list should be amended as set out in paragraph 5 and 6 above.
- 12 The overall total funding required for all the identified infrastructure is now £56,890,621. The overall total for other sources of funding is £3,315,000 and the overall funding gap is £53,575,621 (instead of £98,570,394, £21,615,000 and £76,955,394 respectively). Tables 1 and 7 of the Draft Charging Schedule and Table 3 of the Community Infrastructure Levy – Topic Paper on Infrastructure Funding Gap should be amended accordingly.
- 13 The second sentence of the second paragraph of Appendix C of the Draft Charging Schedule should be amended to read as follows: The Regulation 123 list also gives an indication of the specific schemes or projects that will not be funded through Section 106 Agreements except where any of the schemes on the Regulation 123 list are also necessary to enable a particular development to come forward as a site specific requirement. In all cases, the Council will ensure that double counting is avoided.
- 14 The proposed Brompton bike hire dock should be deleted from the Regulation 123 list because the scheme is now implemented.
- 15 Cycle and pedestrian improvements is added to the list of A320 corridor improvements on the Regulation 123 list.



**Woking Borough Council - Community Infrastructure Levy
Preliminary Draft Charging Schedule
Analysis of Consultation Response**

May 2013



Produced by the Planning Policy Team

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List of organisations and individuals who made representations to the Community Infrastructure Levy Preliminary Draft Charging Schedule

- 1 Carter Jonas LLP
- 2 Thomas Eggar LLP
- 3 Carter Planning limited
- 4 Guildford Borough Council
- 5 Chobham Parish Council
- 6 Pauline M Marshall
- 7 Peter Sanders
- 8 NFU South East Region (John Archer)
- 9 Highways Agency (Nawal Atiq)
- 10 Ian Brown
- 11 Alwyn (Bowen)
- 12 Adrian Grilli
- 13 Colin Weeks
- 14 Mrs L. M Wauigh
- 15 Savills
- 16 The Planning Bureau Limited
- 17 Sarah Roe (Jones Lang LaSalle)
- 18 Rose Freeman (The Theatre Trust)
- 19 Heather Twizell (Natural England)
- 20 Savills (on behalf of Home Builders Federation Consortium)

Summary of representations

- 1 The Council must aim to 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 the area.
- 2 The Council should delay the timing of payment of £25,000 or below until 90 days after commencement. There should also be a more 'developer friendly' approach for chargeable amounts between £25,000 and £100,000. The initial payment should be paid three months after commencement, with the next third at six months and the final third at twelfth months. Chargeable amounts of over £100,000 should be six, twelfth and eighteen months respectively. The instalment policy should be based on the phasing of development.
- 3 There should be much more flexibility on the instalment policy as payment by commencement would introduce an additional financial cost on development, prior to the receipt of any revenue from the proposed development. This is particularly relevant to accommodation for the elderly, as developments need to be completed in their entirety before a single unit of accommodation can be sold. The instalment policy should start with payment by first occupation.
- 4 The CIL charges will undermine the Council's ability to deliver the development proposals in the Core Strategy because all other forms of development will receive a massive subsidy at the expense of retail and residential. There will be corresponding disincentive to investment in the retail sector of the economy.
- 5 The viability assessment does not make sufficient allowance for Section 106 and Section 278 contributions in respect of large format retail stores and the cost involved in obtaining planning permission for development schemes. Consequently, the true cost of retail development is underestimated.
- 6 The Preliminary Draft Charging Schedule does not acknowledge the role of retail to the national economy. Any CIL that imposes a charge on retail would effectively

- undermine the retail function of local centres as large retail developers would be discouraged by the imposition of CIL.
- 7 Much weight has not been given to the economics of regeneration projects. The CIL Regulations allow developers to deduct pre-existing floorspace from CIL calculations if it is in lawful use. Lawful use requires a building to have been in use for six months continuous in the twelve months before the date of the planning permission. However, many regeneration projects on brownfield land or in town centres will involve demolishing, converting or redeveloping buildings that have lain vacant for sometime.
 - 8 The Preliminary Draft Charging Schedule does not make the connection between the CIL charges and the infrastructure requirements of the particular developments upon which the charges are levied.
 - 9 As Local authorities can still seek site-specific commitments under Section 106 Agreements, there is concern the two charges together would represent an unreasonable double levy. There is also a risk that some of the infrastructure projects identified by the Council to be funded by CIL will already have been funded by undelivered projects funded by existing Section 106 commitments.
 - 10 The Council should introduce exceptional circumstances relief to allow strategic or desirable but unprofitable schemes to come forward by exempting them from the CIL charge or reducing it in certain circumstances.
 - 11 There should be a flat rate across all development types. Uses that are not currently identified as viable could be balanced by granting exceptional circumstances relief.
 - 12 The Council is trying to fund too much of the funding gap from CIL and as such the proposed rates for the Preliminary Draft Charging Schedule will be excessive. This could prejudice the delivery of affordable housing as set out in the Core Strategy. It can also prejudice the aim to have most development on previously developed land.
 - 13 The Preliminary Draft Charging Schedule is premature in advance of the Green Belt boundary review and the Site Allocations DPD.
 - 14 The differential rates are not sufficiently justified.
 - 15 The average densities used in the viability study seem too high. Also, the cost of finance seems too low.
 - 16 There is no clarity about the relationship between the Preliminary Draft Charging Schedule and Neighbourhood Plans. In particular, how much of the CIL income will be devolved to local neighbourhoods and the impact that will have on the funding gap.
 - 17 The scale of the Map for the charging areas is very small and could lead to disputes in respect of sites close to boundaries. The boundary should reflect Parish boundaries.
 - 18 There is significant inconsistency in the proposed charging rates for Woking and Surrey Heath. For example, a 250 sq.m residential property in Surrey Heath will attract a CIL charge of £62,500. A similar property in Woking will be £31,250. (The respondent lives in Surrey Heath and feels their proposed charges are disproportionate).
 - 19 All areas of the Borough should be treated the same, in particular, how CIL receipts are used.
 - 20 The introduction of CIL may lead to a reduction in affordable housing provision. The Council will need to find a way to avoid this.
 - 21 The introduction of CIL will weaken the link between the effects/benefits of development and local communities. This could undermine the principle of sustainable development as new housing could be built without the necessary infrastructure in place.
 - 22 The approach adopted is sensible and realistic and should be adopted as a way forward.

- 23 Wastewater infrastructure buildings such as new pumping stations should be exempted from the CIL charge because they do not put any added pressure on other infrastructure such as schools. A charge on them will be unreasonable.
- 24 It is important to ensure that the CIL charging rates does not prohibit the development of specialist accommodation for the elderly at the time when there is an existing and urgent need for this form of development and by not properly assessing this form of development the proposed CIL rates will threaten the delivery of the Core Strategy objectives. This will be contrary to Government guidance.
- 25 The viability assessment to support CIL should reflect what is happening in the real market in order not to prevent needed development coming forward.
- 26 The charging rates fail to acknowledge the specific viability issues associated with specialist accommodation for the elderly.
- 27 CIL could prejudice the delivery of retirement housing against competing uses on land suitable for retirement housing schemes. Retirement homes can only be built on a limited range of sites, which are typically high value, mainly on previously developed land at or near town centre locations. The viability assessment should reflect this reality. The effect of the imposition of CIL on land values and consequently on retirement apartment schemes should be quantified and reflected in the viability assumptions.
- 28 Given the need for elderly people's accommodation, it is important that the CIL charging rates recognise the potential shortcomings of providing a uniform CIL rate for all forms of residential development including housing for the elderly.
- 29 The viability report has not appraised an indicative mixed use development.
- 30 Because of the significant funding gap, concern is expressed that further contributions will be required in addition to CIL by way of Section 106 agreement.
- 31 Concern is expressed that future review of the CIL Charging Schedule could lead to increase in the charging rates.
- 32 A draft Regulations 123 list has not been published. CIL Guidance expects charging authorities to set out those known site specific matters where Section 106 contributions may continue to be sought at an Examination. This should be provided in the Draft Charging Schedule.
- 33 Whilst the overall methodology for the viability assessment is broadly supported, concern has been expressed about some of its assumptions. There is no factual sales evidence to inform the assessment and if there is, that evidence has not been made publicly available. Information sought from VOA Property Marketing Report 2009 is rather historic. The typologies used for the viability assessment must reflect a selection of the different types of sites included in the relevant plan (Core Strategy).
- 34 The discount rate assumed for affordable housing (between 35% and 65% of market value) is a simplistic approach to affordable housing revenue and as such benchmarking against achieved revenues from Registered Providers should be undertaken.
- 35 Greater clarity is needed regarding items that the Council consider will be funded through site specific Section 106 Agreement. Background information on amount raised in recent years through Section 106 Agreements should be provided.
- 36 Due to the current economic climate, a review of the Charging Schedule should be more frequently, with a minimum review period of 12 months from adoption of the CIL.
- 37 The viability assessment underestimates the build cost.
- 38 There should be a bespoke payment method for large schemes that can be agreed in writing as part of the planning application process.
- 39 There should be a viability cushion built into the viability assessment to ensure delivery of sufficient housing to meet strategic requirements.

Officer's response and recommendations (responses are in the order as set out by the questions)

- 1 The Council has been clear in its objective to ensure that a delicate balance is struck between the desirability of funding from CIL the actual and estimated total cost of infrastructure required to support development and the potential effects of the imposition of CIL on the economic viability of development across the area when it published the Preliminary Draft Charging Schedule. This balance is seen in the context of the Council's commitment to the comprehensive delivery of the requirements of the Core Strategy. Paragraphs 3.1 and 3.2 of the Preliminary Draft Charging Schedule make this point very clear and are consistent with the underlying principles of the CIL Regulations. The Preliminary Draft Charging Schedule is informed by robust evidence of viability to ensure that the charging rates are reasonable and will not undermine the viability of development coming forward. The viability assessment is published on the Council's website (www.woking.gov). **No further modification is recommended as a result of this representation.**
- 2 The Council has a Core Strategy, which it is committed to deliver in a sustainable manner. This will to a great extent depend on how well it is supported by adequate infrastructure. Often in the past infrastructure provision had lagged behind development and the Council is concerned to ensure that through CIL this is no longer going to be the case. It is keen to ensure that as much as possible, subject to availability of funding, infrastructure provision will be aligned to delivery of development. Early payment of CIL contributions will contribute towards achieving this objective. The CIL Regulations expects payment in respect of a chargeable development to be due in full on the intended commencement date. The instalment policy is a discretionary proposal by the Council to help developers manage their cash flow by spreading CIL payments over a period of time. The Council is aware of the Government's proposed further reform to the CIL Regulations, which is now going through public consultation. The proposed changes include a suggestion to allow scope for levy payments to be phased when development is phased. In principle, officers believe that some form of phasing of CIL payment is reasonable if it can be sensitively introduced without undermining the objective to align infrastructure provision to delivery of development.

The representations received makes a number of alternative suggestions about what a reasonable instalment policy should be. It is clear from the suggestions that it will be difficult to have an instalment policy that could address all the various types of phasing of development. An amendment is proposed to the instalment policy, which officers are satisfied is reasonable. Part of the CIL contribution will relate to the provision of SANGs to mitigate development impacts on the Thames Basin Heaths Special Protection Area (SPA). The EU Directive and Natural England take a precautionary approach to avoid harm to the SPA and will require SANGs to be provided before development takes place. Without that, Natural England will recommend that development be refused. Presently, developers are required to contribute towards the provision of SANGs prior to the start of development. This approach has been agreed by the Thames Basin Heaths Joint Strategic Partnership Board to apply to all the SPA authorities and is also set out in the Council's SPA Avoidance Strategy. In this regard, the element of the instalment

policy to seek part of the CIL payment by the commencement date is reasonable, necessary and has the weight of the EU Directive and the Core Strategy behind it.

However, it is accepted that there is a strong case for aligning part of the CIL payment to some form of phasing of development. In Woking, a typical phasing for a Section 106 payment for a housing scheme is based around the number of units delivered. This will vary from site to site and by scale of development. Consequently, it will be difficult to have an instalment payment based around the number of units delivered. It will also be administratively difficult to monitor and manage. Taking into account the objective to ensure that infrastructure provision does not lag behind development and the need to make the instalment policy reflective of a typical development cycle, the following revised instalment policy is proposed.

Table 1 – Revised instalment policy

Scale of chargeable development	Timing of development
Chargeable amount less than £25,000	One instalment at: Full amount at commencement.
Chargeable amount of between £25,000 and £100,000	Three equal instalments: (a) One third at commencement (b) One third at 9 months after commencement (c) One third at first occupation of any part of the development.
Chargeable amount of over £100,000	Three equal instalments at: (a) One third at commencement; (b) One third at 12 months after commencement; (c) One third at first occupation of any part of the development

The above proposed amendment is reasonable in striking a good balance between the need to align infrastructure provision to delivery of development and also ensuring that payment is spread over a period of time to help with the cash flow of developers. It should be emphasised that one of the benefits of CIL is that payments can be anticipated and built into development cost right at the beginning of the development process. This will provide some degree of certainty to developers in managing their cost. **Further modification is recommended to the instalment policy as set out in Table 1 above.**

- 3 See response to point 2 above. In addition, it should be clarified that accommodation for the elderly (C2 Use Class) is charged at nil rate. Section 3.7 of the viability assessment comprehensively deals with the viability of C2 Use Class. **No further modification is recommended as a result of this representation.**
- 4 The Council has carried out a viability assessment of the CIL charging rates to ensure that they are set at a reasonable level without compromising on the viability of development coming forward. The Council has set the charging rates mindful of its objective to ensure the comprehensive delivery of the Core Strategy. The proposed differential rates are sensitive to the viability of development at the Town Centre and the Priority Places where most of the proposed development earmarked in the Core Strategy will take place. Based on the available evidence, officers are satisfied that the charging rates will not undermine the delivery of the requirements of the Core Strategy. The impacts of the CIL rates on the viability of development will be continuously monitored and the outcome will inform any future review of the Charging Schedule. **No further modification is recommended as a result of this representation.**
- 5 The viability assessment reflects the typical costs of development in the area. As an established and proven practice, the viability assessment uses a methodology based on residual land valuation principles. It takes into account the collective requirements of the Core strategy, including typical Section 106 costs and it is expected that the rates that are set will ensure positive viability of the chargeable development. The assumptions used for the viability assessment reflect local market conditions as well as locally relevant planning policies. Costs such as fees, finance, profits are also taken into account as well as build cost. A range of development scenarios that are typical of the local area have been used to inform the viability assessment and consequently, the charging rates. The CIL Regulations allows Section 106 Agreements to be negotiated for site specific requirements that will be necessary to enable a development to happen. Whilst the methodology takes this into account, it is likely that this will only apply to a limited number of large scale schemes. The actual terms of any Section 106 Agreement can be negotiated on a case by case basis as it will vary from one scheme to another. Any negotiation on a site specific Section 106 Agreement will be done in the context of the overall development viability. The Council accepts that abnormal development costs could influence the viability of schemes. Whilst this will be taken into account in any Section 106 Agreement, it will be tailored to particular needs where they are proven to be necessary.

It should be noted that whilst a flat rate of £75/sq.m has been set for retail, the viability evidence would support a differential rate for retail with a charging rate of £125/sq.m for large retail formats. The CIL Regulations now requires Charging Schedules to include an update on Section 106 monies agreed and received in recent years. A section will be included in the Draft Charging Schedule to provide this update. **Further modification should be made to include a new section in the Draft Charging Schedule to provide an update on Section 106 monies agreed and received in recent years.**

- 6 The principle of developers contributing towards mitigating their development impacts is well established and supported by national and local planning policies (see policy CS16 – Infrastructure and Section 6 – Implementation and Monitoring of the Core Strategy). This will be the case whether it is through CIL and/or Section 106 Agreements and retail development is not exempt from this principle. The overall purpose of the viability assessment is to inform the CIL charging rates by making sure that the rates are reasonable and will not undermine the viability of development. This is done in the context of ensuring the comprehensive delivery of the Core Strategy. The Core Strategy rightly and clearly emphasises the role of retail to the local and regional economy. It sets a positive framework for the provision of 93,900 sq.m of retail floorspace to be delivered between 2010 and 2027. The delivery of this objective has already started. It is therefore not the case that the role of retail to the economy has been ignored. The viability assessment provides sufficient evidence to justify the rate set for retail in the Preliminary Charging Schedule. **No further modification is recommended as a result of this representation.**
- 7 The CIL Regulations are defined by Government legislation and Regulations. In this regard, there is no scope to change any of its provisions, including the definition of lawful use. Officers are aware that the Government is proposing to reform this definition. Having said that, the differential rates set for the Town Centre and the Priority Places take full account of development cost associated with development on previously developed land. The Town Centre and the Priority Places are the areas in the Borough earmarked to undergo significant change and regeneration during the life of the Core Strategy. Full account has therefore been given to the economics of regeneration projects in these growth areas and this is reiterated several times throughout the viability study. It should be emphasised that the Core Strategy directs most new development in the next 10 years to previously developed land in the main centres. There is historic evidence to demonstrate that this is achievable. Furthermore, both the Strategic Housing Land Availability Assessment and the Employment Land Review identify sufficient previously developed land to meet development needs for the next 10 years. The viability of developing these sites has been tested to be positive. It is therefore not accurate to suggest that sufficient weight has not been given to the economics of regeneration projects. **No further modification is recommended as a result of this representation.**
- 8 One of the key characteristics and indeed benefit of CIL is that it breaks the link between developer contributions and infrastructure to service the development

for which the contribution is directly secured. CIL is designed to allow scope for the Council to pool contributions to deliver priority schemes that will have maximum benefit to the local community. The Council's overriding objective is to ensure that the charging rates are reasonable in order not to compromise the viability of development and consequently, the delivery of the Core Strategy. **No further modification is recommended as a result of this representation.**

- 9 This point has been comprehensively addressed by response to point 5 above. Furthermore, it should be emphasised that CIL is secured to address the impacts of new development and not to address existing deficiencies in infrastructure provision. In securing contributions, the Council will be concerned to ensure that any double counting is avoided when negotiating Section 106 Agreements. The Council has prepared an Infrastructure Funding Gap Topic Paper to inform the Preliminary Draft Charging Schedule. The assessment of the funding gap takes into account any other sources of funding (known and predicted) that could be secured towards infrastructure provision other than CIL. The risk of using CIL money to fund undelivered schemes that are earmarked to be funded by Section 106 contributions will be avoided in this regard. **No further modification is recommended as a result of this representation.**
- 10 The charging rates only apply to residential and retail developments. At this stage, there is no intention of introducing exceptional circumstances relief because the viability evidence provides sufficient basis to support the charging rates for residential and retail developments. It is also emphasised that CIL is a non-negotiable levy. **No further modification is recommended as a result of this representation.**
- 11 The viability assessment recommends a nil CIL rate for all other uses (except residential and retail) because of lack of development viability. It will therefore be unreasonable to charge a flat rate for all forms of development. It is a key objective to ensure that the CIL charging rates are reasonable. A flat rate for residential development could make development at the Town Centre and the Priority Places unviable and at the same time might not maximise CIL income from high value areas. The differential rates complement the spatial strategy of the Core Strategy. The issue about granting exceptional circumstances relief has already been addressed (see response to 10 above). **No further modification is recommended as a result of this representation.**
- 12 CIL is expected to generate an income of nearly £14,000,000 towards a significant funding gap of about £76,000,000. It is clear that a significant amount of the funding gap will have to be met from other sources, in particular, from public sector sources. The Council recognises that CIL will make an important contribution towards meeting the funding gap. However, it is certainly not the case that it is trying to fund too much of the funding gap from CIL based on the above figures. Furthermore, the CIL charging rates are supported by evidence of viability to ensure positive viability of development. The Charging Schedule takes into account the affordable housing requirements of the Core Strategy and the methodology used for the viability assessment also takes into account development costs of previously developed land. **No further modification is recommended as a result of this representation.**

- 13 The Core Strategy provides sufficient planning policy context for introducing CIL. The Core Strategy is specific about the timing of the release of Green Belt land for development, which is between 2022 and 2027. The Draft Charging Schedule have in-built mechanism for monitoring and review of the Charging Schedule. Paragraph 5.14 sets out a five yearly review of the CIL Charging Schedule. A future review of the Charging Schedule will therefore take into account the implications of the release of Green Belt land for development. This matter has been clearly emphasised in paragraph 5.3 of the Infrastructure Funding Gap Topic Paper. **No further modification is recommended as a result of this representation.**
- 14 The differential rates for residential development are justified by the viability evidence. The rates follow the recommendations of the CIL Viability Study. Officers therefore do not accept that the differential rates are not sufficiently justified. **No further modification is recommended as a result of this representation.**
- 15 Average densities used in the viability study reflect the indicative densities set out in page 63 of the Core Strategy and are therefore considered reasonable. The densities are based on exemplar schemes and has been scrutinised at an Examination. The cost of finance is also typical of what prevails in current market conditions. **No further modification is recommended as a result of this representation.**
- 16 Paragraph 5.11 of the Preliminary Draft Charging Schedule emphasises that a meaningful proportion of CIL income will be allocated to local communities where development takes place. The Government has since clarified the definition of 'meaningful proportion'. A neighbourhood with a Neighbourhood Plan will receive 25% of CIL income raised from development within the Neighbourhood Plan area. To qualify for the 25% of the CIL money, the neighbourhood will need to have a Neighbourhood Plan that has been through a referendum and has been adopted to take effect. Parish and Town Councils will receive the money directly. In areas without a Parish such as Woking, the Council will agree with the community how to spend the money. Communities without a Neighbourhood Plan will receive 15% of the CIL income (subject to a cap to be determined by Government). Paragraph 5.11 of the Preliminary Draft Charging Schedule will be amended to reflect this clarification and this will be included in the Draft Charging Schedule. It is not expected that this change will affect the total funding gap. However, it will affect the overall CIL receipts that will be available to contribute towards meeting the funding gap. **Further modification is recommended to clarify the Government's current position on how much of CIL money should be given to local neighbourhoods. This will be included in the Draft Charging Schedule.**
- 17 The scale of the Map for the charging areas will be enhanced to improve its legibility. However, it could not be drawn according to Parish boundaries because there are no parishes in Woking. **Further modification is recommended to enhance the scale of the Map depicting the charging zones.**

- 18 Whilst it is acknowledged that the charging rates for Woking are relatively lower than what is being proposed for Surrey Heath Borough, they are two different areas with two different viability assumptions. Woking has ensured that its proposed charging rates are justified by viability evidence and it is assumed that the same would apply to Surrey Heath Borough. **No further modification is recommended as a result of this representation.**
- 19 There is strong evidence of viability to justify differential rates for various areas of the Borough and for different uses. Officers are aware that the Government is proposing to extend differential rates to include scale of development. It should be reminded that this was considered and rule out in relation to retail development. The Council has an Infrastructure Delivery Plan that lists the necessary infrastructure to support proposed development in the Core Strategy. The Infrastructure Funding Gap Topic Paper also lists the infrastructure which CIL income will contribute. It is likely that the Council might have to prioritise the delivery of the infrastructure. Where that is the case, it will prioritise schemes that will deliver maximum benefits for the entire community. **No further modification is recommended as a result of this representation.**
- 20 It is acknowledged that the introduction of CIL could lead to a reduction in affordable housing provision if the charging rates are not supported by robust evidence of viability. Paragraphs 3.21 and 3.22 of the Preliminary Draft Charging Schedule acknowledge this likelihood. The affordable housing requirements set out in Policy CS12 of the Core Strategy is justified by viability evidence. This has been tested and supported by the Independent Inspector who examined the Core Strategy. Furthermore, the viability assessment of the CIL Preliminary Draft Charging Schedule takes into account the affordable housing requirements of the Core Strategy and the fact that affordable housing is exempted from CIL to be secure by Section 106 Agreement. The evidence suggests that the CIL rates can be achieved without undermining the delivery of the affordable housing requirements of the Core Strategy. In this regard, the Council is in a strong position to defend its affordable housing policy. **No further modification is recommended as a result of this representation.**
- 21 As a matter of principle, CIL is specifically designed by Government to break the direct link between the use of CIL payment and the specific development by which the contribution is secured. This approach is expected to allow flexibility for Councils to pool contributions to deliver infrastructure schemes that addresses the real needs of the area. The list of infrastructure for which CIL income will help deliver will be predetermined through the Infrastructure Funding Gap Topic Paper and published as part of the Regulations 123 list. The Council has also published an Infrastructure Delivery Plan, which identifies the necessary infrastructure to support development proposals in the Core Strategy. Furthermore, as explained in response to 16 above, a proportion of CIL receipts will be passed on to local neighbourhoods for use to improve conditions in their area. All the above will ensure that development is well supported by necessary infrastructure in line with the vision of the Core Strategy. On the back of new national guidance on CIL, it is proposed to publish a Regulations 123 list as part of the Draft Charging Schedule for consultation. The broad headings of this list were published as part of the Preliminary Draft Charging Schedule and the Infrastructure Funding Gap Topic Paper. **Further modification is recommended by including Regulations 123 list as an Appendix to the Draft Charging Schedule.**

- 22 There are some representations that offered support to the introduction of CIL. It is not intended to list all of them. The Council is committed to introduce CIL as a primary mechanism to secure developer contributions towards infrastructure provision and is determined to see it through to adoption. The support is therefore welcome. **No further modification is recommended as a result of this representation.**
- 23 It is accepted that it will be unreasonable to have a charging rate for wastewater infrastructure buildings because that will not be supported by the viability evidence. The Preliminary Draft Charging Schedule proposed a nil charging rate for the use and it is not intended that this will change in the Draft Charging Schedule. **No further modification is recommended as a result of this representation.**
- 24 It is not proposed to set a charging rate for specialist accommodation for the elderly (C2 Use Class). Government guidance does not specify what types of development should be liable to a CIL charge (with the exception of affordable housing and development for charitable purposes). The decision to charge a nil rate for C2 Use Class is evidenced by the viability assessment. **No further modification is recommended as a result of this representation.**
- 25 The viability assessment is informed by current market conditions, in particular, of the local area. This underlines the Council's concern to ensure that the viability evidence is robust enough in order not to prevent development. **No further modification is recommended as a result of this representation.**
- 26 It is incorrect to suggest that the charging rates do not acknowledge specific viability issues associated with specialist accommodation. Section 3.7 of the viability study specifically deals with residential institutions – care homes and similar. The viability assessment recommends a nil charge for C2 Use Class development and this recommendation has been followed in the Preliminary Draft Charging Schedule and will be in the Draft Charging Schedule. Also see response to 27. **No further modification is recommended as a result of this representation.**
- 27 There is no demonstrable evidence that CIL will prejudice the delivery of retirement housing against competing uses of land suitable for retirement housing, in particular, when there is a nil charging rate for this type of development in the Preliminary Draft Charging Schedule. As a sustainability principle, the Core Strategy directs most new development to previously developed land in the town, district and local centres which offers the best access to a range of services and facilities. In this regard, the viability assessment uses build costs associated with previously developed land in these centres. Land values will always be influenced by the potential use of land. This will be the case with or without the introduction of CIL. The effects of CIL on the viability of retirement homes is comprehensively addressed in Section 3.7 of the viability study and have recommended a nil charge for the use, which has been followed in the Preliminary Draft Charging Schedule. This response applies to C2 Use Class. For sheltered accommodation that falls within C3 Use Class (residential), there is no justifiable reason to treat that differently to any other

residential development. The viability evidence supports the case that there should not be any distinction between C3 residential developments. CIL is expected to come out of the land value and it will be difficult to apply a rule that give the retirement market special treatment without conflicting the state aid issue under European law. **No further modification is recommended as a result of this representation.**

- 28 The charging rates are not uniform across all forms of housing as claimed by the representation. For example, the Preliminary Draft Charging Schedule sets a rate of £75/sq.m for C3 residential use at the Town Centre and a nil rate for C2 accommodation. The Council recognises the need for elderly people accommodation. This is emphasised in Policy CS13: Older people and vulnerable groups of the Core Strategy. It is not proposed to have a charging rate for elderly people's accommodation. However, it should be emphasised that this decision is not because of the apparent need for elderly people's accommodation but more about the viability evidence which justifies the decision. Also see response to 27. **No further modification is recommended as a result of this representation.**
- 29 The viability assessment is informed by typical development types that are likely to come forward across the Borough. References to this are clearly made throughout the viability study. **No further modification is recommended as a result of this representation.**
- 30 CIL is never intended to meet the total cost of infrastructure to support development being promoted in the Core Strategy. The Preliminary Draft Charging Schedule and the Funding Gap Topic Paper makes this point very clear. Public sector sources of funding will continue to be the main source of funding for infrastructure provision. The Draft Charging Schedule includes Regulations 123 list that shows the schemes that CIL income will contribute towards their delivery. It also now clarifies circumstances where Section 106 Agreements will be used. **No further modification is recommended as a result of this representation.**
- 31 The Council has been concerned to ensure that the CIL charging rates are justified by evidence of viability. Any future review of the charging rates will continue to be supported by viability evidence. It will be difficult to predict what future charging rates will be. However, the key objective will always be to ensure that the rates are be informed by evidence of viability and will not undermine the viability of schemes coming forward. **No further modification is recommended as a result of this representation.**
- 32 The Draft Charging Schedule includes a section on Regulations 123 list and clarification on what Section 106 Agreement will be used on. Also see response to 9. **No further modification is recommended as a result of this representation.**
- 33 The viability study and the assumptions used are informed by extensive market research, including current market information on property values. The consultants and the Council are confident that the typologies used for the viability study reflects different types of sites that are likely to come forward in the

context of the Core Strategy. The methodology used by the consultants has also been proven to be robust at a number of CIL Examinations. **No further modification is recommended as a result of this representation.**

- 34 The discount rate used for Affordable Housing is based on extensive research of local market conditions including extensive consultation with Registered Providers. The viability consultants have confirmed this to be the case. **No further modification is recommended as a result of this representation.**
- 35 A section has been included in the Draft Charging Schedule to clarify what Section 106 Agreement will be used on. Also see response to 9 **No further modification is recommended as a result of this representation.**
- 36 It will be unreasonable to establish a rule that the charging rates will be reviewed on 12 monthly bases, in particular, if the same process for establishing a CIL charging rate is to be followed. However, the Council takes the view that monitoring and review is an essential part of the CIL Charging Schedule. A whole section is devoted to deal with how this will be achieved in both the Preliminary Draft Charging Schedule and the Draft Charging Schedule. The Council has said that there will be as a minimum a review of the Charging Schedule every five years. However, if monitoring information indicates a need for a review before this period, the Charging Schedule allows scope for that to be carried out. It is believed that this is a reasonable approach to take. **No further modification is recommended as a result of this representation.**
- 37 The consultants and the Council are satisfied that the build costs used in the viability assessment reflects current market conditions. **No further modification is recommended as a result of this representation.**
- 38 The instalment policy set out in the Draft Charging Schedule takes into account the scale of development, including large scale development. In this regard, a bespoke payment policy method for large scale development will not be necessary. It should be emphasised that an instalment policy is a discretionary measure and not a requirement by the CIL Regulations. **No further modification is recommended as a result of this representation.**
- 39 In setting the charging rates, the Council has been concerned to ensure that it will facilitate the comprehensive delivery of the requirements of the Core Strategy. This includes the care taken in establishing the differential charging rates for residential development and the flat rate for retail development. The rates are set at a reasonable level in order not to undermine the viability of development. A viability cushion as suggested by the representation will not be necessary in this regard. **No further modification is recommended as a result of this representation.**



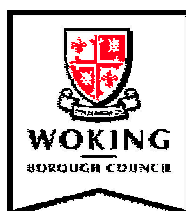
Woking Borough Council

Community Infrastructure Levy – Preliminary

Draft Charging Schedule

Schedule of proposed changes

May 2013



Produced by the Planning Policy Team

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Schedule of proposed changes – changes made to the Preliminary Draft Charging Schedule that is now included in the Draft Charging Schedule

The following are proposed changes that are made in the Draft Charging Schedule that are different from the Preliminary Draft Charging Schedule. The changes are informed by either the representations received on the Preliminary Draft Charging Schedule consultation or new information since the Preliminary Draft Charging Schedule was published. The changes do not include minor consequential editorial changes that might be necessary as a result of the main changes.

Instalment Policy

- 1 The proposed instalment policy is modified as set out in table 5 below.

Table 5: Proposed instalment policy

Scale of chargeable amount	Timing of payment
Chargeable amount less than £25,000	One payment at: Full amount at commencement
Chargeable amount of between £25,000 and £100,000	Three equal instalments at: (a) One third at commencement; (b) One third at 9 months after commencement; (c) One third at first occupation of any part of the development. In any event, the full amount will be paid by first occupation.
Chargeable amount of over £100,000	Three equal instalments at: (a) One third at commencement; (b) One third at 12 months after commencement; (c) One third at first occupation of any part of the development. In any event, the full amount will be paid by first occupation.

Amount of CIL money to be passed on to local neighbourhoods

- 2 Clarification has been given to the amount of CIL contributions that could be passed on to local neighbourhoods. Paragraph 5.11 of the Preliminary Draft Charging Schedule has been modified in the Draft Charging Schedule as paragraph 5.11 to read:

'The Government has said that local authorities with an adopted CIL will have to pass on 25% of the money raised from development within a neighbourhood plan area to the local community. It will be for the local community to decide how that money will be spent subject to guidance in the Localism Act. To qualify for the 25% of the CIL money, the neighbourhood should have a neighbourhood plan that has been through a referendum and adopted to take effect. A Parish or Town Council will receive the money directly. In Woking where there is no Parish or Town Council, the Council will agree with the local community how the money will be spent. Communities that do not have a neighbourhood plan will receive 15% of the CIL receipts (subject to a cap to be determined by Government). The Council will set out an approach to working with communities in distributing CIL income within their neighbourhoods in accordance this latest Government advice'

Use of CIL income to provide SANGs

- 3 A new paragraph 5.12 has been included in the Draft Charging Schedule about the use of CIL money to mitigate the impacts of development on the Thames Basin Heaths Special Protection Area (SPA) to read as follows:

'The Council is required under the European Union Directive to avoid harm to sensitive environmental sites of European significance such as the SPA. A number of these sites are within Woking Borough. It has been agreed with Natural England that the provision of SANGs is the most appropriate means of mitigating development impacts on the SPA. The Government has said that SANGs are an infrastructure and should therefore be covered by the requirements of CIL. The provision of SANGs is therefore one of the priority infrastructure identified in the Infrastructure Funding Gap Topic Paper, the Infrastructure Delivery Plan (IDP) and the Regulations 123 list. Natural England has expressed concern in the past about whether there will be sufficient CIL income to provide the necessary SANGs needed to support development. They had also sought assurance about the Council's commitment to use CIL income to mitigate development impacts on the SPA. The Council has an adopted Core Strategy with a robust policy, which commits the Council to mitigate development impacts on the SPA. Furthermore, it is predicted that sufficient CIL income will be generated to deliver the required SANGs to support future development. Overall, it is predicted that CIL will generate an income of about £13,900,175. Assuming a worst case scenario and predicting that all neighbourhoods in the Borough will have a neighbourhood plan in place, the Council will have to pass on £3,475,044 to local neighbourhoods (25% of CIL income). This will leave a balance income of £10,425,131. The total cost of providing SANGs is estimated at £5,492,091 leaving a residual income of £4,933,040 towards other priority infrastructure such as transport, education and open spaces'.

Update on Section 106 money raised in recent years

- 4 A new paragraph 5.13 has been included in the Draft Charging Schedule to provide an update on the amount of money raised in recent years through Section 106 Agreements to read as follows:

As background evidence to support CIL Charging Schedules the Government expect charging authorities to provide information about the amount of money raised in recent years through Section 106 Agreements, including the extent to which affordable housing and other targets have been met. In accordance with this requirement, Table 6 below provides headline figures for Section 106 contributions

received between 2007 and March 2013. The Core Strategy does not identify any strategic sites. Consequently, there is no specifically identified site where Section 106 requirements have been pre-determined apart from those requirements covered in the Core Strategy, which the viability assessment takes into account. However, the Council will seek to negotiate Section 106 Agreements for requirements that are specifically necessary to enable a particular site to come forward such as an access to serve a particular site. This will be negotiated on a case by case basis taking into account the overall viability of the development. An open book approach to viability will apply in these circumstances.

Table 6 – Developer contributions agreed and received between 2007 and 2013

Category of benefits	Monies agreed	Monies received
Community safety	£50,000.00	£5,223.19
Education	£197,587.00	£102,747.95
Energy	£20,000.00	£20,000.00
Environment	£781,549.00	£0.00
Flooding	£400,000.00	£287,771.12
Highways	£539,001.00	£250,944.02
Affordable housing	£2,012,620.00	£1,068,900.08
Other	£38,900.00	£0.00
Public art	£200,000.00	£0.00
Planning infrastructure	£199,582.69	£11,997.00
Recreation/Open space	£801,300.00	£367,857.36
SAMM	£204,451.00	£90,047.67
SANG	£1,199,690.98	£982,516.43
Transport	£2,341,712.00	£387,864.55
TOTAL	£8986,393.97	£3,575,869.37

Regulations 123 list

- 5 A Regulations 123 list should be added to the Draft Charging Schedule as APPENDIX C to read as follows:

Regulations 123 List

The Government expects charging authorities to set out at Examination a draft list of projects or types of infrastructure that are to be funded in whole or in part by CIL income. This list is termed the Regulations 123 list. The Preliminary Draft Charging Schedule and its accompanied Infrastructure Funding Gap Topic Paper includes a priority list of infrastructure which CIL income will be used to deliver. These are costed with other sources of funding identified. From this, a funding gap has been derived. The Preliminary Draft Charging Schedule and the Infrastructure Funding Gap Topic Paper have been subjected to a six week public consultation. It should also be emphasised that the Council has an Infrastructure Delivery Plan that identifies the necessary infrastructure to support development proposals in the Core Strategy. The IDP has already been scrutinised at an Independent Examination. The broad lists of infrastructure that are identified to be funded by CIL are:

- Transport
- Thames Basin Heaths Special Protection Area (SANGs);
- Education;
- Open space.

The Regulations 123 list sets the specific projects under these broad lists of infrastructure. The Regulations 123 list also gives an indication of specific schemes or projects that will not be funded through Section 106 Agreements. The list is not in any order of priority. All the schemes cannot be delivered at the same time. At any given time, the Council will align available funding to deliver schemes that achieve maximum benefit to the community. The Regulations 123 list for the next 10 years is set out in Table 7 below.

Table 7 – Regulations 123 list

Name of scheme	Indicative start date	Estimated cost	Money secured	Funding gap
TRANSPORT SCHEMES Minor local area road safety and accessibility schemes, including: Shared use of cycle route adjacent to A322 Reading Way – Basingstoke Canal. A324 Hermitage Road near Gorsewood Road – Toucan crossing. A324 Hemirmitage Road at Hermitage Bridge –pedestrian	2015+	£1M - £2M		£2M -£2M

and cycle bridge crossing canal.				
Victoria Arch capacity improvement	2017	£8M - £10M	£2.1M	£5.9M - £7.9M
Transport interchange hub at Woking railway station to include – plaza, bus interchange and taxi rank to south side of station, secure bike parking area within station facilities on south side and Brompton bike hire dock, improvements to bus interchange to north side of station.	2015+ 2013+ 2015+	£2.7	£1.04M	££1.66M
Devonshire Avenue/Albert Drive junction improvement. Improvements to the road junction layout and associated walking and cycle facilities	2013+	£1M		£1M
West Byfleet one-way system improvements, including pedestrian and cycle access to the station Bus stop locations around railway station and routeing of buses.	2015+	£1M - £2M		£1M - £2M
A245 cycle and pedestrian improvements, including cycle route A245 Parvis Road between West Byfleet and Byfleet A245 Sheerwater Road shared space A245 Old Woking Road outside Marist School crossing facility	2013+	£1.1M	£60,000	£1,040,000

A320 corridor improvement – Chobham Road to Constitution Hill, including urban traffic control improvements and junction improvements	2019+	£5M - £10M		£5M - £10M
Pedestrian and cycle improvements in and on approach to Woking station, including Woking High School to Town Centre link (the Jupiter Trail)	2019+	£250,000		£250,000
Six Crossroads and environs – Six Crossroads roundabout – possible junction upgrade and improvement to side roads.	2019+	£3M - £5M		£3M - £5M
Sub Total				£19.9 - £30.9 (average £25.350,000M)
Thames Basin Heaths (SANGs) Horsell Common SANG Brookwood Country Park SANG White Rose Lane SANG Heather Farm SANG	2012 - 2022	£5,492,091		£5,492,091
Sub total				£5,492,091
EDUCATION 19 primary school classrooms and ancillary/support spaces 13 secondary school classrooms and ancillary support spaces Early year provision	2012 - 2022	£48,900,000	£18,300,000	£30,600,000
Sub total				£30,600,000
OPEN SPACE Outdoor sports Allotments	2012 – 2022	£14,400,000 £266,304	 £115,000	 £15,513,304

Child Play Space		£540,000		(total)
Teenage Play Space		£422,000		
Sub total				£15,513,304
OVERALL TOTAL FUNDING GAP				£76,955,394