

REPORT TO CABINET

| | | | | |
|--|---|---|---|--|
| Open/Exempt | | Would any decisions proposed : | | |
| Any especially affected Wards None, Borough wide coverage | Mandatory/ | Be entirely within Cabinet's powers to decide | | YES/NO |
| | Discretionary/ | Need to be recommendations to Council | | YES/NO |
| | Operational | Is it a Key Decision | | YES/NO |
| Lead Member: Cllr Nick Daubney E-mail: cllr.Nick.Daubney@west-norfolk.gov.uk | | Other Cabinet Members consulted: All | | |
| | | Other Members consulted: None directly | | |
| Lead Officer: Alan Gomm E-mail: alan.gomm@west-norfolk.gov.uk Direct Dial: 01553 616237 | | Other Officers consulted: Management Team | | |
| Financial Implications YES/NO | Policy/Personnel Implications YES/NO | Statutory Implications YES/NO | Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment | Risk Management Implications YES/NO |

2 February 2015

Community Infrastructure Levy – Consultation on a Draft Charging Schedule

Summary

The Community Infrastructure Levy (CIL) came into force in April 2010. It allows local authorities in England and Wales to raise funds from developers undertaking new building projects. The money can be used to contribute to; 'pump prime'; or help lever in investment for a wide range of infrastructure that is needed to support new development. In order to be considered capable of being implemented a CIL must not have a detrimental effect on development (taken as a whole) in the Borough area. Preliminary consultation took place with the development industry and other interested parties in January 2014. A consultation took place on a Preliminary Draft Charging schedule in December / January 2015. The consultant used this information and comment as inputs to a revised Viability Assessment. Officers have now drawn up a Draft Charging Schedule and propose that the Borough Council should consult on this. This report outlines the proposed rates of CIL. If agreed the Borough Council will formally publish the Draft Charging Schedule to collect the views of the community and development professionals operating in the Borough, and proceed to an Examination.

Recommendation

That Cabinet agrees to recommend to Council that it:

1. Undertakes a formal consultation on a Draft Community Infrastructure Levy (CIL) Charging Schedule.
2. Proceeds to formal Examination of the Draft Charging Schedule.
3. For the purposes of the consultation the draft CIL rates will be those

outlined in section 2.4.3 of this Report.

4. Authorises the Executive Director for Planning and Environment in consultation with the Leader of the Council to prepare the specific consultation documentation as required, based on the Draft Charging Schedule and the information in Appendices 1, 2, 3 and the consultant HDH's Viability Assessment (January 2016).

Reason for Decision

Publishing a Draft Charging Schedule allows the Borough Council to collect the formal views of the community and development professionals operating in the Borough, and allows consideration of bringing in a CIL and setting particular rates to be examined.

1. Background

1.1 What is the Community Infrastructure Levy?

1.1.1 The Community Infrastructure Levy (CIL) came into force in April 2010. It allows local authorities in England and Wales to raise funds from developers undertaking new building projects. The money can be used to contribute to; 'pump prime'; or help lever in investment for a wide range of infrastructure that is needed to support new development. Councils must spend the income on infrastructure needed to facilitate growth – but each Council can decide which specific projects to spend CIL on (and that can change over time).

1.1.2 The Borough Council has a choice whether to have CIL or not. However after April 2015 it is unable to pool S106 payments where there have been 5 or more contributions since April 2010. In practice this means S106 will continue to apply to onsite facilities (open space, affordable housing, play areas etc.) and site specific mitigation measures, but S106 will be restricted for pooled contributions – schools, libraries, etc

1.2 Who would pay?

1.2.1 The charge would apply to all development containing over 100 square metres (internal) floorspace, or a new dwelling of any size. However, it only relates to net additional floorspace. There are some exemptions e.g. charities; social housing and self-builds (a 3 year residence is mandatory). It is paid as '£ per square metre' on net additional (internal) floorspace. Rates can vary by geographic area or use (or both) based on viability. It becomes due when the development starts. The landowner is responsible for paying it to the local planning authority who are called the '*charging authority*' and who set the CIL.

1.3 How would it be spent?

1.3.1 Local authorities are required to spend the levy's revenue on the infrastructure needed to support the development of their area and they will decide what infrastructure is needed. The Government require charging authorities to allocate a proportion of levy revenues raised in each neighbourhood (mainly the Parish in this area) back to that neighbourhood. The rates are 25% to those with a neighbourhood plan and 15% to those without a neighbourhood plan

2. Setting the Charge

2.0.1 Charging authorities need to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the imposition of the levy upon the economic viability of development across their area. There is a defined process for preparing the charge and an independent examination to test the rates and robustness of the evidence.

2.0.2 The Borough Council needs to identify a selection of indicative infrastructure projects or types of infrastructure that are likely to be funded by the levy. It also needs to show through an example set of sites the impact on a limited number of sites.

2.1 What we need in order to set a CIL

2.1.1 The simple requirements are:

- Up to date development plan
- Evidence on the infrastructure funding gap (usually provided as a list of projects necessary to support the growth of an area, a 'Regulation 123' list)
- Evidence on viability

The following paragraphs outline the position with these factors.

2.2 Development plan status

2.2.1 Our adopted Core Strategy means that we meet this test and can proceed to prepare a CIL. Additionally we are moving towards completion of the Site Allocations Plan.

2.3 Infrastructure evidence

2.3.1 An infrastructure study accompanied the Core Strategy in 2010. This has been updated to support the Site Allocations and Development Management Policies Plan currently at Examination. Attached at Appendix 1 is a summary of work to date, including a draft Regulation 123 list. It clearly shows that a funding gap exists between what is needed and the currently identified funding. As such this CIL requirement is satisfied. A review of the infrastructure list / Regulation 123 list is likely to be needed (probably annually) as priorities in the area change. CIL rates should typically be revisited every 3 years or if significant changes in the market occur.

2.4 Viability evidence

2.4.1 We have engaged specialist consultants (HDH Planning and Development Ltd) to carry out a 'viability assessment'. It contains three elements and a link is given at the 'Background Papers' section below.

2.4.2 The three elements cover assessments of:

- Viability of the emerging sites and policies plan (SADMP) document
- The current rate of affordable housing sought from developers
- Potential viability of differing CIL rates in the context of the above two elements

Discussion is given in the document about the maximum levels and then at Table 13.1 a series of 'recommended' rates is outlined. These represent the consultants suggestions based on the evidence collected.

2.4.3 The **table of recommended rates from the consultant’s report is reproduced below**. The map of the different zones is attached as Appendix 3.

| Table 13.1 Recommended rates of CIL | |
|--|---|
| (Based on calculations using the current policy for affordable housing requirements of 15% in King’s Lynn (in the un-parished area) and 20% elsewhere and that it will be delivered as 70% Affordable Rent and 30% intermediate housing – on sites of 10 and over in King’s Lynn, Downham Market and Hunstanton and sites of 5 or more elsewhere). | |
| | CIL rate |
| North East and East areas of the Borough (East of the Great Ouse and north of A1122/A134) | £60/m ² |
| South and West of the Borough (West of the Great Ouse and south of A1122/A134, including Downham Market) | £40/m ² |
| King’s Lynn unparished area | £10/m ² |
| Sheltered / Retirement Housing (C3) - All areas | £0/m ² |
| Strategic sites ⁽¹⁾ at: <ul style="list-style-type: none"> ○ Boal Quay, King’s Lynn ○ South of Parkway, King’s Lynn ○ Bankside – West Lynn, ○ West Winch, strategic growth area ○ East of Lynn Rd, Downham Market ○ Wisbech Fringe, Walsoken (all others should have the rate that applies to the area in which they lie) | £0/m ² |
| Retail Development <ul style="list-style-type: none"> Supermarkets (including discount supermarkets) Retail warehouses All other retail development | £100/m ² £100/m ² £0/m ² |
| All other Development | £0/m ² |
| <i>(1) Strategic sites are considered to be those of 150+ units</i> | |

2.5 Evidence generally

2.5.1 All evidence is expected to be ‘appropriate available evidence’. It will be tested at Examination.

2.5.2 The process is similar to the production of a development plan, it involves:

- Evidence base (viability study & infrastructure study)
- Public Consultation
- Inquiry by independent examiner

Charging authorities (CAs) decide how to present their appropriate available evidence on the potential effect of CIL on economic viability and show how that has informed the charge rate(s). This is not required to be exhaustive, but a reasonable and pragmatic approach is necessary.

2.5.3 The consultant has taken a strategic approach and has not been focussed on specific development sites. There is no requirement to use any of the specific valuation and viability models available, the various methods are outlined in the Viability Report. Regulation 14 recognises that the CIL rate set may put some development at risk. HDH consultants have looked at the potential effects of charges “taken as a whole” on the viability of development “across its area”. Evidence may show that proposed rates may make a particular development on any given site unviable. However in HDH’s opinion this does not threaten the delivery of the plan as a whole, (Para. 29 CIL Guidance) given the duty to achieve an *appropriate balance* in Regulation 14, which is still likely to be met.

3. Relationship of the Local Plan to CIL

3.1 Sites proposed in the Local Plan have to be viable and deliverable and are tested through a viability assessment at whole Borough level. Both the CIL and the Local Plan viability assessments use the same background material / statistics. The Inspector at the Local Plan Examination has been given the Viability Assessment and considered issues at the Examination

4. Infrastructure requirements and the potential revenue from CIL

4.1 **Infrastructure** - In order to support the draft Site Allocations and Development Management Policies plan a study has been undertaken of the infrastructure needed to ensure adequate provision of supporting services. The items listed have been supplied or verified, by the relevant operators or responsible organisations.

4.1.1 Under the CIL Regulations the Borough Council is required to estimate the total package required to address the growth anticipated. It will be usual (based on experience in other areas) for this package to amount to a very large sum. The fact that the total clearly outweighs the amount likely to be generated from CIL is a procedural requirement. The choice as to which projects proceed will be dependent on individual providers, or local authority political decisions.

4.1.2 An assessment of the total amount of essential infrastructure required to cater for growth in the Borough in the plan period to 2026 is given in the two tables at Appendix 1. It should be noted that these tables do not represent an exhaustive or definitive list. A draft Regulation 123 list showing generic project areas is given at Appendix 1C.

4.1.3 The projects listed in the Tables as ‘*Specific item*’, derive from responsible organisations themselves and /or studies previously undertaken and reflect the fact that additional capacity is required to cater for the

anticipated level of growth in the area. Additional pressure is likely to arise from a higher population e.g. for transport, recreation provision etc. Not all projects are fully worked up or costed at this stage. There is no guarantee that all items will ultimately be provided, but they reflect the anticipation that a further 16500 houses and some 67 ha of new employment land will be in place by 2026.

4.1.4 The fact of whether a project receives a contribution from CIL is again a political judgement. In Table A - '*Potential infrastructure projects that could be priorities for a part CIL contribution*' officers have suggested those individual areas where a project is critical to the delivery of growth across the Borough, and therefore *could* be a priority candidate for a CIL contribution. But, this is not any form of commitment at this stage, merely an indication of a funding gap.

4.1.5 In Table B '*Additional potential infrastructure requirements*' a list is given of items which may also be required because of the growth in population. However some items such as health, electricity, water, police etc are subject to funding regimes / sources outside of normal local authority spending responsibilities. CIL could contribute to some of these projects also, but is not usually a substitute for the principle of 'normal' Government agency funding responsibilities.

4.1.5 Ultimately, should a CIL be adopted, the Borough Council would need to set up a governance structure to decide on priorities and funding streams.

4.2 Potential revenue - Assuming an average Plan requirement of 660 houses p.a. but less; affordable housing at 20% (based on a sample of amounts of affordable housing coming forward each year) - 130 units; and an allowance for potential 'self-build', exempt housing at 130 houses p.a. gives a net figure of about 400 houses p.a. which could actually provide CIL receipts. Annual CIL receipts (if based on the consultants recommended rates in Table 13.1) could amount to £1.6m. However a further deduction also needs to be made for payments to parishes (a broad assumption of 15% of receipts, c. £0.25m). Over the remaining 10 years of the plan period receipts to the Borough could total £13.5m, about 7% of the overall indicative infrastructure bill, (using Appendix 1A and B). This compares to a national average figure of 5 – 10% anticipated contribution. We can also recoup up to 5% for administration of the CIL.

5. Current position and proposed next steps

5.1 Preliminary consultation took place with the development industry and other interested parties in January 2013. Consultation on a Preliminary Draft Charging Schedule was undertaken in December and January 2015. The consultant used this information and comment as inputs to the revised Viability Assessment as attached. The comments have been summarised at Appendix 4.

5.2 As noted we have undertaken a review of our viability assessment. The comments on the PDCS have been analysed and as appropriate amendments made in the revised schedules or evidence.

5.3 The next stage is to publicise the Draft Charging Schedule and consult on this. This document will outline the possible rates of CIL as given above. These are based on the viability evidence contained in the report. Having

considered the position it is recommended that the key test of striking the appropriate balance between the desirability of funding infrastructure through a CIL and the potential effects of imposing a CIL on development in the Borough would be fulfilled by the rates outlined at section 2.4.3. The differentiation of rates in the three zones (and additionally the 'zero' rate for strategic sites) across the Borough is a specific response to the differing viability of geographical locations and the situation of the larger sites bearing higher costs.

5.4 The Draft Charging Schedule is set out above. The Borough Council is able to allow an instalment policy for the payment of CIL which will spread the burden for developers. This is a normal arrangement in preparing CIL. The consultant HDH has assumed that this will be done and has factored this in to the viability assessment. A draft Instalment policy is attached at Appendix 5.

5.5 Representations will then be placed before the independent Inspector who will hold an Examination, and produce a report recommending adoption or changes.

6. Conclusions

- The Community Infrastructure Levy (CIL) is the Government's mechanism for achieving contributions towards funding necessary facilities to support growth
- We are not able to continue with the current system of S106 agreements and contributions post April 2015
- We will be seriously hampered in obtaining any funds to go towards community infrastructure to support growth aspirations if there is no CIL in place given the pooling arrangements have changed.
- We have undertaken two rounds of consultation and considered viability in 2013 and in an updated report at January 2016 we are now presenting a draft charging schedule for agreement and on to consultation.

7. Options Considered

7.1 The Council could choose to either:

- Implement a CIL, or;
- Maintain a version of the current system of S106 (as might be allowed by the latest Regulations), but necessarily restricting the terms of the S106 solely to the specific site, or;
- A hybrid system where the CIL applies generally, except on major, more self-contained allocations.

In general terms the **implications of the approaches** are:

7.2 Adopting a CIL

Advantages

- Gives certainty to developers about costs
- Avoids potential difficulties in pooling S106 agreements across the Borough
- Depending on the scale of development some developers may benefit from a CIL system

- Local communities (mainly Parish Councils) receive a proportion of CIL where a rate is levied.
- Flexibility-The Borough Council has greater control over how CIL is spent as compared to S106
- Mechanism for supporting growth (and be seen to be supporting growth)
- Ability to predict income stream

Disadvantages

- May discourage or delay *some* sites from coming forward
- In terms of allocated sites still to come there are 6,400 new dwellings allocated in the plan, and approximately 3,000 existing commitments yet to be developed
- It is not negotiable

7.3 A mainly S106 based approach (as far as allowed by Regulations)

Advantages

- More value may accrue to the landowner
- May encourage more planning applications to come forward (particularly where there is a risk the measure may be temporary)

Disadvantages

- Much less money is available for pooled infrastructure given the pooling restrictions.
- No money to Parish Councils (currently this would be 15% for all Parish Councils, but 25% for those embarked on neighbourhood plans. (Those currently in preparation are Brancaster, Downham Market, Hunstanton, Outwell, South Wootton, Walpole, Bircham, West Winch / North Runcton)
- May act as a brake on development between now and April 2015
- Likely to encourage renegotiation of existing consented S106 agreements made post April 2015 to remove payments.

7.3 An approach which charges CIL but accepts a differing rate for larger strategic sites.

Advantages

- Realistically accepts that some larger sites have proportionately more expensive infrastructure to provide.
- Focusses on site specific requirements.
- Deliverability of key strategic sites in local plan

Disadvantages

- A lesser contribution overall may potentially be made from these sites. (However the direct site related relevant contributions to infrastructure will need to be met).
- There would be no % figure available for community / neighbourhood groups

7.4 It is worth noting that there are other factors which could have implications for CIL viability. The Government has proposed a number of exemptions to CIL, and has also consulted on differing approaches to affordable housing and starter homes. The Viability Assessment work has been based on known factors, but there is currently a review of CIL being undertaken, and a number of consultations on planning matters generally could if implemented have an effect on viability (potentially positive or negative). However, the basis for the consultant's work on viability (January 2016) is clearly stated in the document.

8. Policy Implications

8.1 The Borough Council has a choice whether to have CIL or not. However since April 2015 the Council have been unable to pool S106 payments where there have been 5 or more contributions since April 2010. In practice this means S106 will continue to apply to onsite facilities (open space, affordable housing, play areas etc.) and site specific mitigation measures, but S106 will not be collected for pooled contributions – schools, libraries, etc. Our current policy of collecting money to support local infrastructure through S106 will be seriously compromised.

9. Financial Implications

9.1 Currently some £0.7 million pa is collected through S106 (based on estimates from *current* S106, although with the pooling bar now in place much less money would be available for pooled infrastructure (schools and libraries etc) in the future. This compares to potentially £1.35 million pa being available through CIL if implemented at the illustrative rates above.

9.2 Parish Councils are set to receive a proportion of CIL receipts. The level will depend on whether they have a neighbourhood plan. (Current levels are 15% for all Parish Councils, but 25% for those with an agreed plan). Although this can only apply on sites liable to pay CIL. **It should be noted that 'zero rate' sites are proposed so no contributions from CIL would be available here.** (Those neighbourhood plans approved are: South Wootton and Brancaster, others currently in preparation are, Hunstanton, Downham Market, Walpole, Bircham, West Winch / North Runcton and Outwell). By way of example 10 houses (assuming 100m² units – a larger 3 bed house) built in a parish (beyond King's Lynn) post adoption of CIL could give 15% x £6000 x 10 = £9000 for the parish, or £15000 with a neighbourhood plan. Clearly in areas likely to experience high growth this would increase significantly, but there is a cap in non-neighbourhood plan areas.

10. Personnel Implications

10.1 CIL is a completely new mechanism and the implementation regime is complex. There is clearly a need for resources to collect and administer it. There is significant experience in other authorities as to efficient operation. The Regulations provide for local authorities to use up to 5% of the CIL to administer the system.

11. Statutory Considerations

11.1 The Borough Council needs to work within the CIL Regulations, the implications of which are discussed in the main report.

12. Equality Impact Assessment (EIA)

(Pre-screening report attached)

13. Risk Management Implications

(See section 7 above)

14. Declarations of Interest / Dispensations Granted

Background Papers

1. Viability Assessment prepared by HDH Planning and Development Ltd
(January 2016)

Pre-Screening Equality Impact Assessment

Borough Council of
**King's Lynn &
West Norfolk**



| Name of policy/service/function | Development Services – Planning LDF | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Is this a new or existing policy/ service/function? | New policy approach | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations | Community Infrastructure Levy (CIL) allows local authorities to raise funds from developers undertaking new building projects, to part fund a range on infrastructure. This Draft Charging Schedule outlines the proposal rates of CIL and if agreed the Borough Council will consult on this to collect the views of the community and development professionals, and proceed to the Examination stage. CIL adheres to national guidance and legislation, however it is not a statutory duty of the local authority. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Question | Answer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p> | <p>Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.</p> <table border="1"> <thead> <tr> <th></th> <th>Positive</th> <th>Negative</th> <th>Neutral</th> <th>Unsure</th> </tr> </thead> <tbody> <tr> <td>Age</td> <td></td> <td></td> <td></td> <td>X</td> </tr> <tr> <td>Disability</td> <td></td> <td></td> <td></td> <td>X</td> </tr> <tr> <td>Gender</td> <td></td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Gender Re-assignment</td> <td></td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Marriage/civil partnership</td> <td></td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Pregnancy & maternity</td> <td></td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Race</td> <td></td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Religion or belief</td> <td></td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Sexual orientation</td> <td></td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Other (eg low income)</td> <td></td> <td></td> <td>X</td> <td></td> </tr> </tbody> </table> | | | | | Positive | Negative | Neutral | Unsure | Age | | | | X | Disability | | | | X | Gender | | | X | | Gender Re-assignment | | | X | | Marriage/civil partnership | | | X | | Pregnancy & maternity | | | X | | Race | | | X | | Religion or belief | | | X | | Sexual orientation | | | X | | Other (eg low income) | | | X | | | | | |
| | | Positive | Negative | Neutral | Unsure | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Age | | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Disability | | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Gender | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Gender Re-assignment | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Marriage/civil partnership | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Pregnancy & maternity | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Race | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Religion or belief | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Sexual orientation | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other (eg low income) | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Question | Answer | Comments | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another? | No | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. Could this policy/service be perceived as impacting on communities differently? | Yes | The CIL rate is a charge '£ per square metre' on all development over 100 square metres internal floorspace. This may possibly mean an increased cost if a dwelling was designed for specialist disability accommodation with room sizes beyond that required by building regs. The charge is based on internal floorspace rather than building footprint though so it does not result in higher charges for bungalows rather than two or more story dwellings, Also charities, social housing and self-build are all exempt from the charge. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | |
|---|------------------------|---|
| 4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination? | No | |
| 5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section | Yes | <p>Actions: The protected groups (e.g. disability) are likely to be exempt from the charge due to the self-build, charity and social housing exemptions. If the charge is applied the increase would be minimal / insignificant due to current building regulations standards. It is considered that no additional actions are necessary.</p> <p>This is a Draft Charging Schedule and so the Council has the opportunity to consider any comments made during the consultation and can reconsider any potential impacts prior to the adoption of the Levy.</p> <p>Actions agreed by EWG member: Alison Demonty & Claire Dorgan</p> |
| Assessment completed by: Name Claire Dorgan | | |
| Job title Principal Planner | Date 14/01/2016 | |

APPENDIX 1

A. Potential infrastructure projects that could be priorities for a part CIL contribution

| Infrastructure Service | Specific Item | Estimated Costing | Priority for a CIL part contribution |
|------------------------------------|---|--------------------------|--|
| Transport | King's Lynn Town Centre Gyratory - remodelling of the one-way system to tackle air quality issues, provide better sustainable transport links & improve conditions for businesses & adjacent retail areas (SEP) | £5m | x |
| | West Winch A10/A47 Link Road to release 1600 homes in the plan period | £5m (unfunded cost) | x |
| | A47 Hardwick Junction improvements | £20m | x |
| | South Hunstanton - Snettisham sea defences recharge/recycling operations | £1.2m | x |
| | King's Lynn Waterfront sea defences | £1 million (2015 - 2016) | x |
| Education | Extension of primary and secondary schools/new primary schools and extensions of high schools. (Current standard charge £6956 per house where no capacity) | £30.8 million | x |
| Green Infrastructure | Hardwick Industrial Estate Link, King's Lynn | £not yet costed | x |
| Open space and public realm | | £not yet costed | x |
| Leisure & sport | Based on KLWN Sports Facilities Strategy Dec 2011/Sport England Facilities Planning Model Report Aug. 13 | £13.71m | x |
| Total | | £76.7 | To a total of approx. £13.5m over the period to 2026 |

B. Additional potential infrastructure requirements

| Infrastructure Service | Specific Item | Estimated Costing |
|-----------------------------|---|-----------------------|
| Transport | King's Lynn Sustainable Transport Package - measures targeted at tackling congestion, promoting sustainable transport & maintenance of the primary and principal road network (NASEP) | £6.6m |
| | A47 Thorney to Walton Highway improvement (dualling) (GCGPSEP) | Costs to be confirmed |
| | A47 Wisbech bypass junction improvements (GCGP SEP) | Costs to be confirmed |
| | A47 Middleton/E Winch Bypass | £75m |
| Water | Hunstanton Promenade replacement | £15m |
| | Islington Pumping Station replacement | £6m |
| Electricity | Reinforcement work to the network. | £not yet costed |
| Green Infrastructure | Nar Riverside Park as part of King's Lynn Waterfront Regeneration Area. | Costs to be confirmed |
| | King's Lynn/Wash/Norfolk Coast Path Link. | £150k |
| | Bawsey/Leziate Countryside Sports and Recreation Zone. | £50k |
| | SUDS | £not yet costed |
| Police | Additional Police services | £433k |
| | Relocated/rebuilt King's Lynn Police Station | £2.5m |
| Health | Primary Care Facilities | £not yet costed |
| Community | King's Lynn: Care homes 111 places; dementia care homes 25 places; care home with nursing 15 places; dementia care home with nursing 89 places; housing with care 127 places | £not yet costed |
| | Hunstanton: dementia care homes 5 places; care homes with nursing 90 places; dementia care homes with nursing 43 places; housing with care 104 places | £not yet costed |
| | Downham Market: Dementia care homes 71 places; care home with nursing 112 places; dementia care homes with nursing 10 places; housing with care 55 places | £not yet costed |
| | Extended or new King's Lynn central library/archive centre | £323-500k |
| | Additional community meeting space in identified growth locations | £2.6m |
| | Allotments | £not yet costed |
| Play facilities | | £not yet costed |
| Total | | £108.8m |

Borough Council of King's Lynn & West Norfolk - Draft CIL Infrastructure List

Community Infrastructure Levy Draft Regulation 123 list

December 2015

Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) places limitations on the Council's ability to use planning obligations to fund the provision of infrastructure across the district.

As a charging authority, Borough Council of King's Lynn & West Norfolk is required by Regulation 123(2) to publish a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL. Nor does the order of infrastructure items within the list imply or signify any order of preference or priority for CIL funding.

At this stage, the list is provided in draft form only to assist the public consultation into the Draft Charging Schedule.

Following the adoption and implementation of the Charging Schedule, Borough Council of King's Lynn & West Norfolk will publish a revised Regulation 123 List which will be subject to review at least once a year, as part of the ongoing and continuous monitoring of CIL collection and spend.

It is expected that the proposed development of the strategic sites at:

- Boal Quay, King's Lynn
- South of Parkway, King's Lynn
- Bankside – West Lynn,
- West Winch, strategic growth area
- East of Lynn Rd, Downham Market
- Wisbech Fringe, Walsoken

will provide the needed infrastructure for each site through planning obligations (and not Community Infrastructure Levy) relating specifically to those developments.

| |
|---|
| Infrastructure across the district that may be wholly or partly funded by Community Infrastructure Levy funds, except for the listed strategic sites |
| Provision of transport related infrastructure (roads and public transport) |
| Provision of library facilities |

| |
|--|
| Provision of additional pre-school places at existing establishments |
| Provision of primary school places at existing schools |
| Provision of secondary, sixth form and further education places |
| Provision of health facilities |
| Provision of leisure and community facilities |
| Provision of 'off site' open space and public realm |
| Strategic green infrastructure (excluding suitable alternative natural greenspace) |
| Maintenance of new and existing open space and strategic green infrastructure |
| Strategic flooding |
| Provision of waste infrastructure |

Please note – the inclusion of an item on this list does not signify a commitment from the Borough Council to fund all the projects or types of infrastructure listed, or the entirety of any project through funds generated by CIL. The order of items in the table does not imply any order of preference for spend.

The CIL Regulations 2010 (as amended) state that a certain amount of the funds generated through CIL can be taken by the Charging Authority for administering CIL. This amount should not be more than 5% of the CIL raised.

Borough Council of King's Lynn & West Norfolk as Charging Authority is required to pass a set percentage (15% or 25%) of CIL funds generated onto local communities in line with the Regulations. The money passed onto local communities can be spent on a wider range of things than detailed on the Regulation 123 List.

Aside from the funds passed onto local communities and the administrative charges, the Borough Council controls the CIL fund and ultimately has responsibility in determining the infrastructure projects on which CIL will be spent. Discussions with service providers such as Norfolk County Council are on-going and will continue once the CIL Charging Schedule is adopted and implemented in Borough Council of King's Lynn & West Norfolk as to how the infrastructure projects across the district are to be prioritised.

APPENDIX 2

RECOMMENDED CIL INSTALMENTS POLICY

Borough Council of King's Lynn and West Norfolk Community Infrastructure Levy Instalments Policy

January 2016

Introduction

The CIL charge for liable developments will be calculated at the time planning permission is granted. Payment is due upon the commencement of development. Depending on the amount of the charge, payments may be phased in accordance with the Council's Instalment Policy below.

This policy has been prepared in accordance with CIL regulations.

The CIL instalments policy will only apply where conditions of Regulation 70 (CIL 2010) are met:

- Council received Assumption of Liability prior to commencement
- Council received CIL Commencement Notice prior to commencement

The Council will allow payment of CIL by instalments according to the total amount of the liability as follows:

CIL Instalments Policy

The Community Infrastructure Levy **for residential development** will be payable by instalments as below.

Commercial developments by their nature do not lend themselves to the same approach used for residential development. Therefore it is proposed that phasing will be based on timescales and still related to the size of the development. The charge will be payable by instalments as in the following table.

| Total CIL liability | Number of instalments | Payment period and amount |
|--|-----------------------|---|
| Residential development | | |
| Where the chargeable amount is less than £50,000 | 1 | Full payment will be required within 60 days of the commencement date |
| Where the chargeable amount is £50,001 - | 3 (over 2 | First instalment representing 25% of the chargeable amount will be |

| | | |
|---|--|--|
| £250,000 | years) | <p>required within 60 days of commencement date; and</p> <p>Second instalment representing 25% of chargeable amount will be required within 365 days of the commencement date; and</p> <p>Third and final instalment representing 50% of the chargeable amount will be required within 730 days of the commencement date</p> <p>But The full balance is payable on occupation/opening of the development if this is earlier than the due instalment dates set out above.</p> |
| Where the chargeable amount is between £250,001 and £1m | 4 (over 3 years) | <p>First instalment representing 20% of the chargeable amount will be required within 60 days of commencement date;</p> <p>Second instalment representing 20% of the chargeable amount will be required within 365 days of the commencement date; and</p> <p>Third instalment representing 20% of the chargeable amount will be within 548 days of the commencement date; and</p> <p>Fourth instalment representing 20% of the chargeable amount will be required within 730 days of the commencement date; and</p> <p>Fifth and final instalment representing 20% of the chargeable amount will be required within 1095 days of the commencement date.</p> <p>But: The full balance is payable on occupation/opening of the development if this is earlier than the due instalment dates set out above.</p> |
| Where the chargeable amount is over £1m | 4, but with the potential for a longer | In principal, as set out above for amounts over £250,001, but instalments for this scale of |

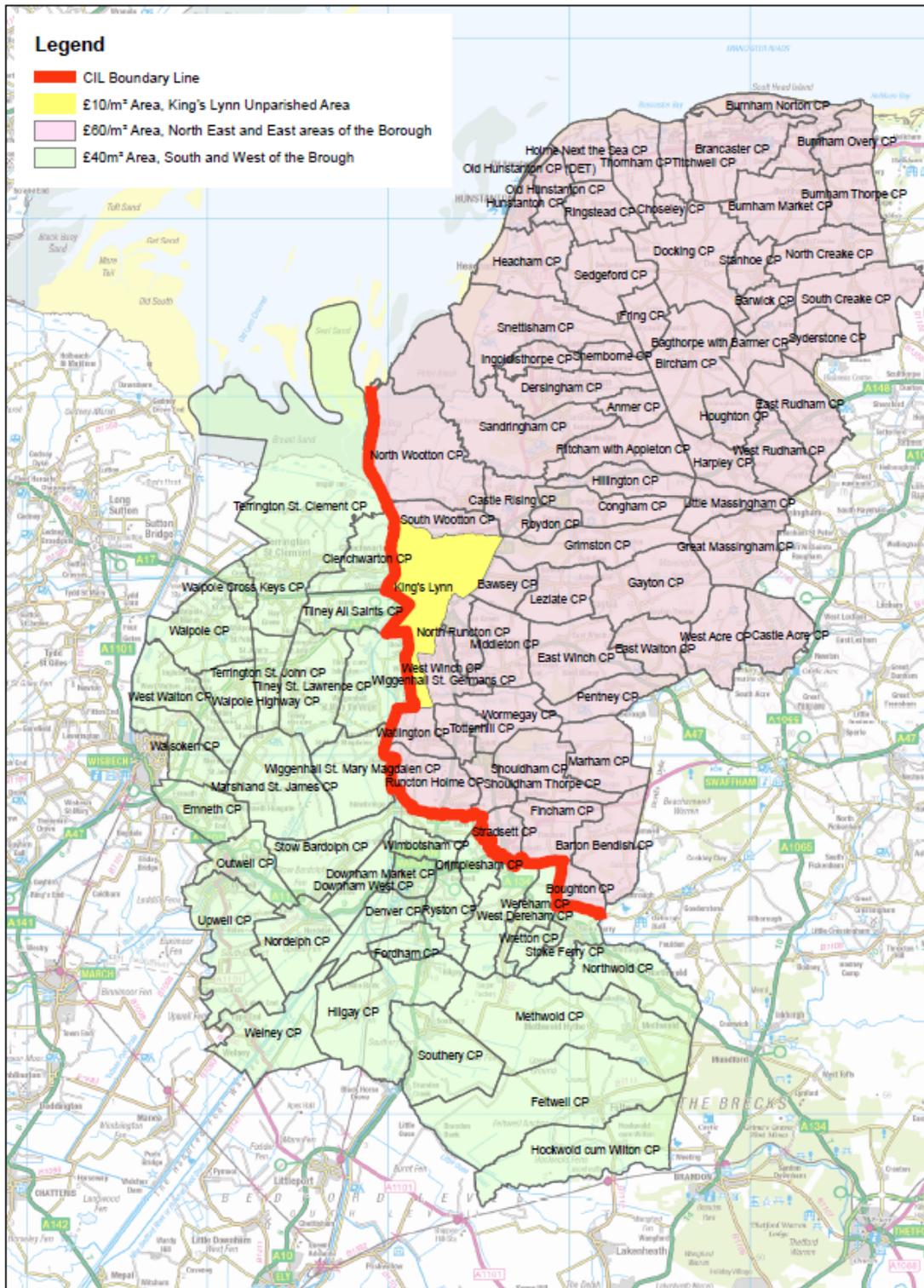
| | | |
|--|--------------------|--|
| | negotiated period. | development will be open to negotiation on an individual basis. |
| Commercial development | | |
| Where the chargeable amount is less than £50,000; | | Full payment will be required within 60 days of the commencement date |
| Where the chargeable amount is £50,001 - £250,000; | 2 | First instalment representing 50% of the chargeable amount will be required within 60 days of the commencement date; and Second and final instalment representing 50% of the chargeable amount will be required prior to the opening of any part of the development |
| Where the chargeable amount is over £250,000; | 3 (over 1 year) | First instalment representing 25% of the chargeable amount will be required within 60 days of the commencement date; and Second instalment representing 25% of the chargeable amount will be required within 120 days of the commencement date; and Third and final instalment representing 50% of the chargeable amount will be required within 365 days of the commencement date, or prior to the opening of any part of the development, whichever is sooner. |

Exceptionally the Council will consider bespoke instalment arrangements.

This will ONLY apply where the conditions of Regulation 70 are met AND the submission for bespoke instalments is based upon a robust site viability appraisal that has been independently audited by a person agreed by both the landowner/developer and the Council and the costs for this are met by the landowner/developer.

In calculating individual charges for the levy, the Council will be required by the Regulations to apply an annually updated index of inflation to keep the levy responsive to market conditions. The index will be the national 'All-In Tender Price Index' of construction costs published by the Building Cost Information Service of the Royal Institution of Chartered Surveyors.

MAP OF SUGGESTED CIL ZONES

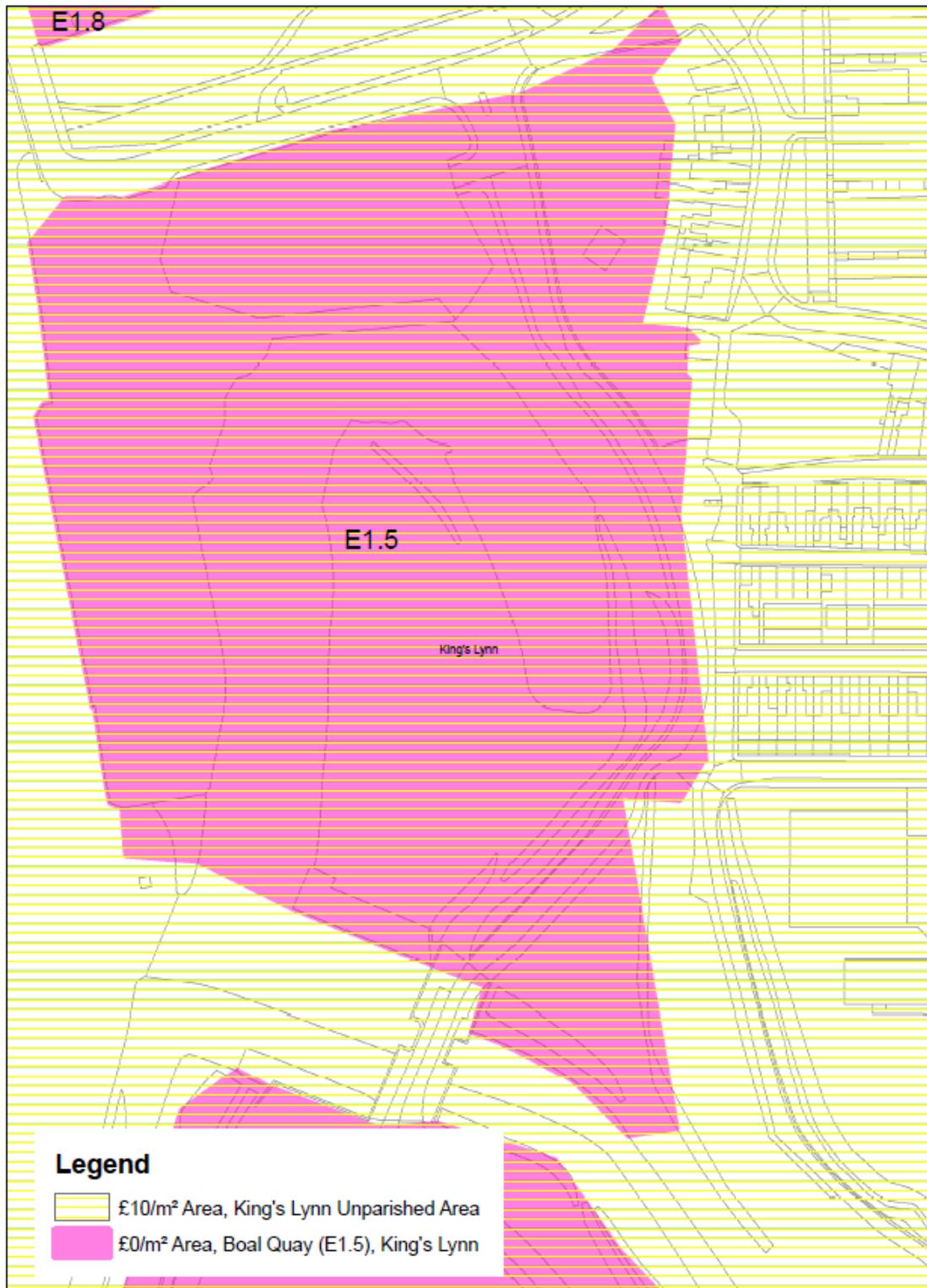


Community Infrastructure Levy

£0/m² Charging Zone Maps are attached separately following this map to illustrate these sites

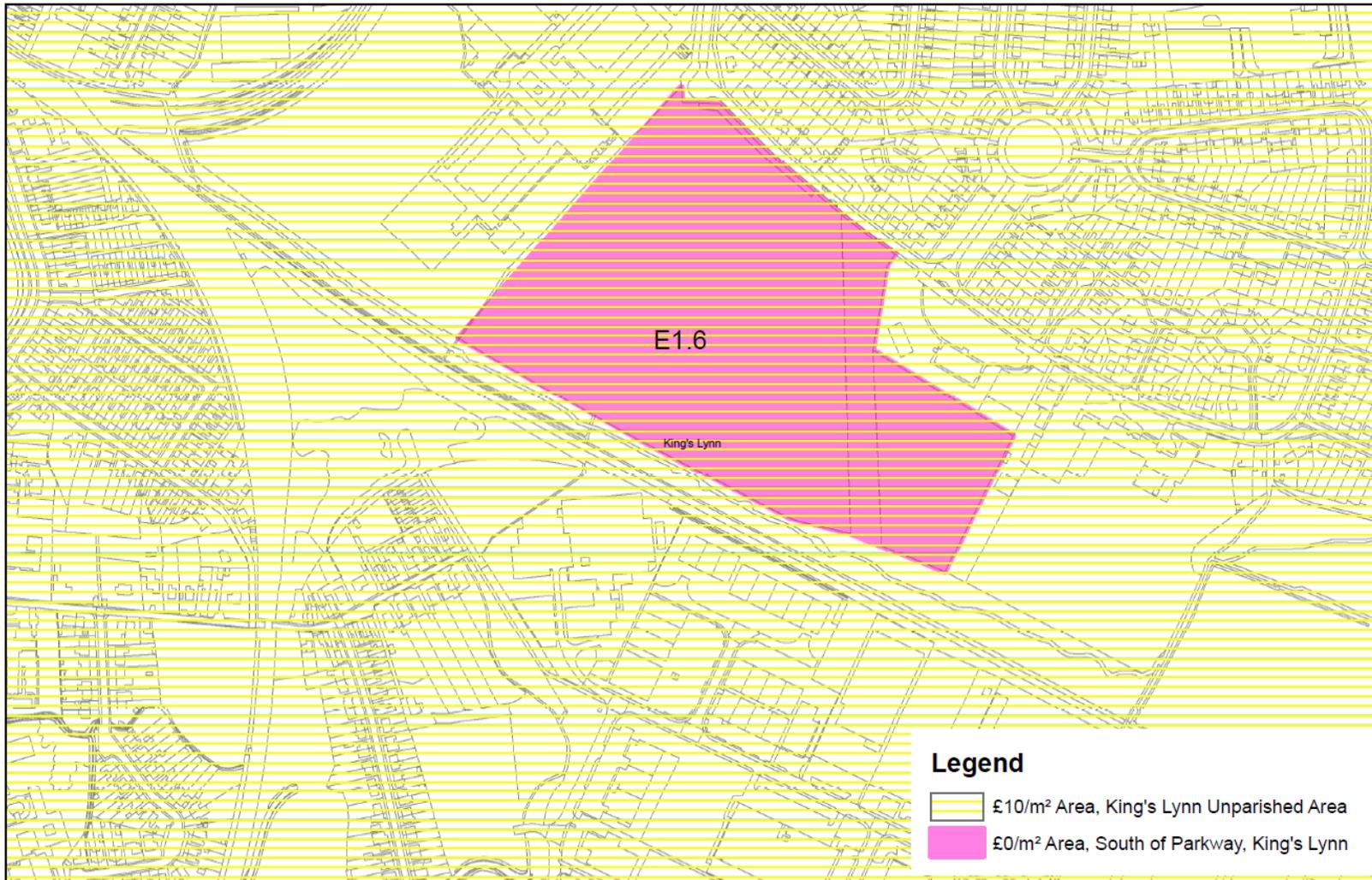
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Ordnance Survey 100024314





Charging Zones

Strategic Site: Boal Quay (E1.5), King's Lynn

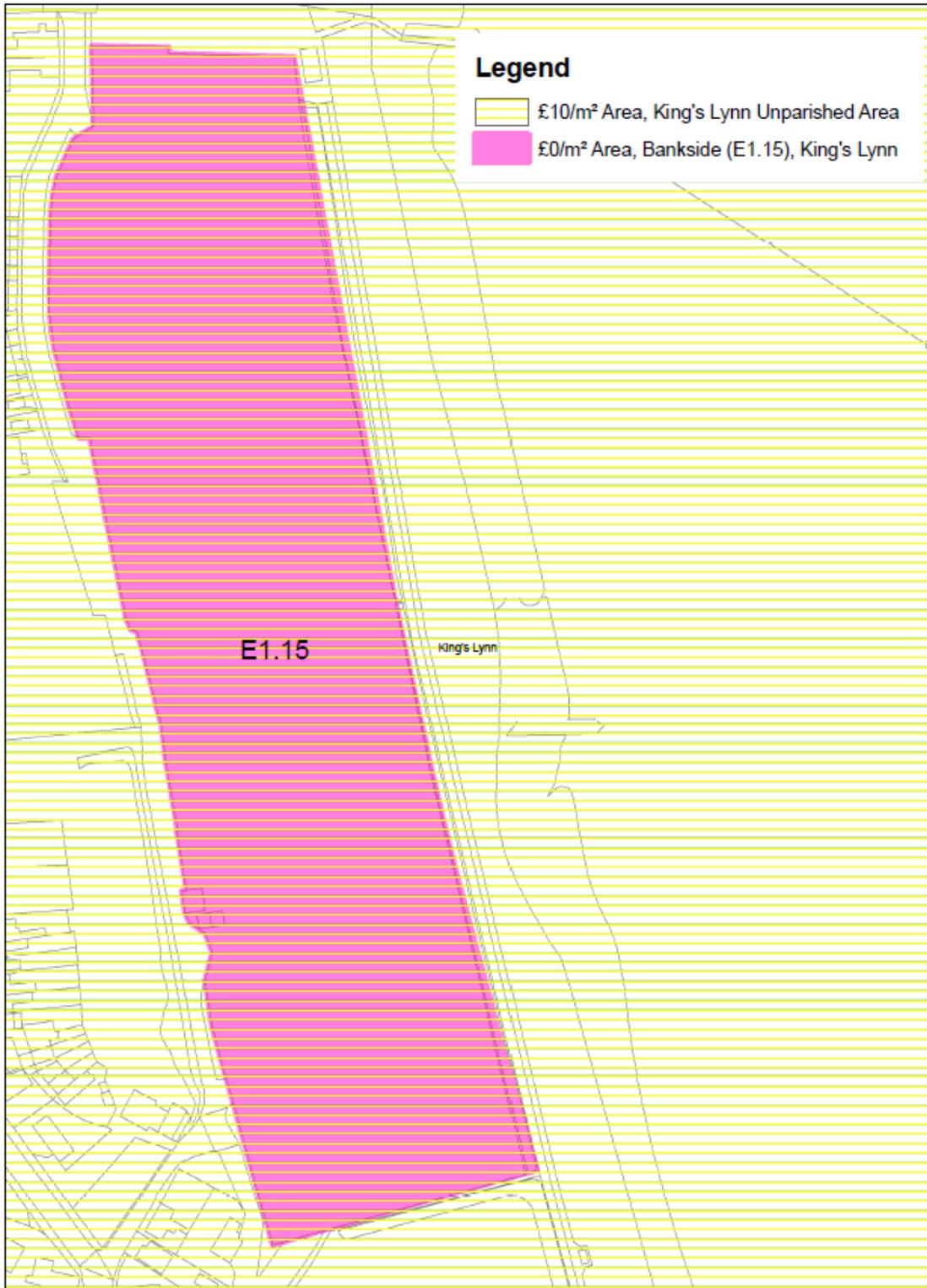


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Charging Zones

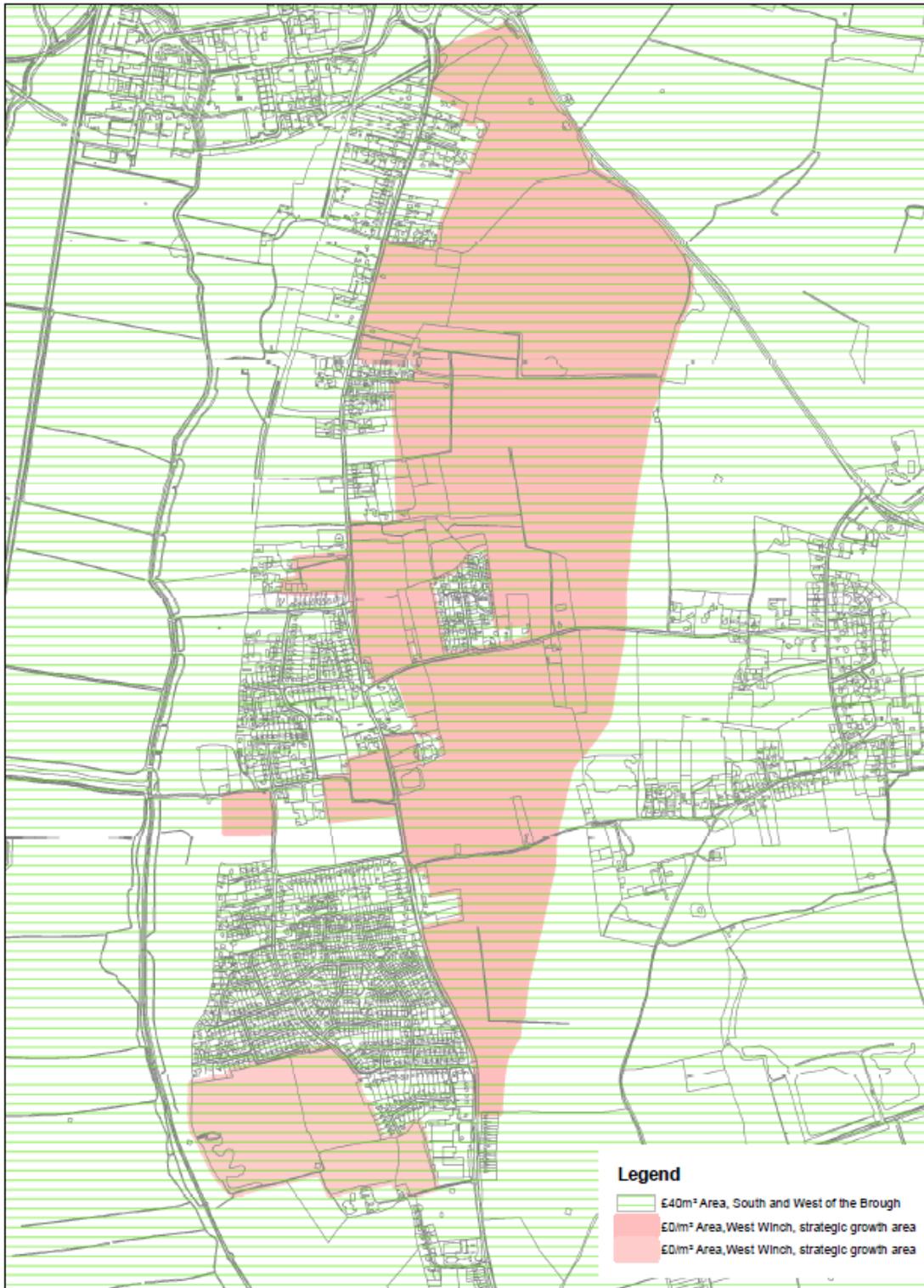
Strategic Site: South of Parkway, King's Lynn

0 0.0325 0.065 0.13 0.195 0.26
 Kilometers

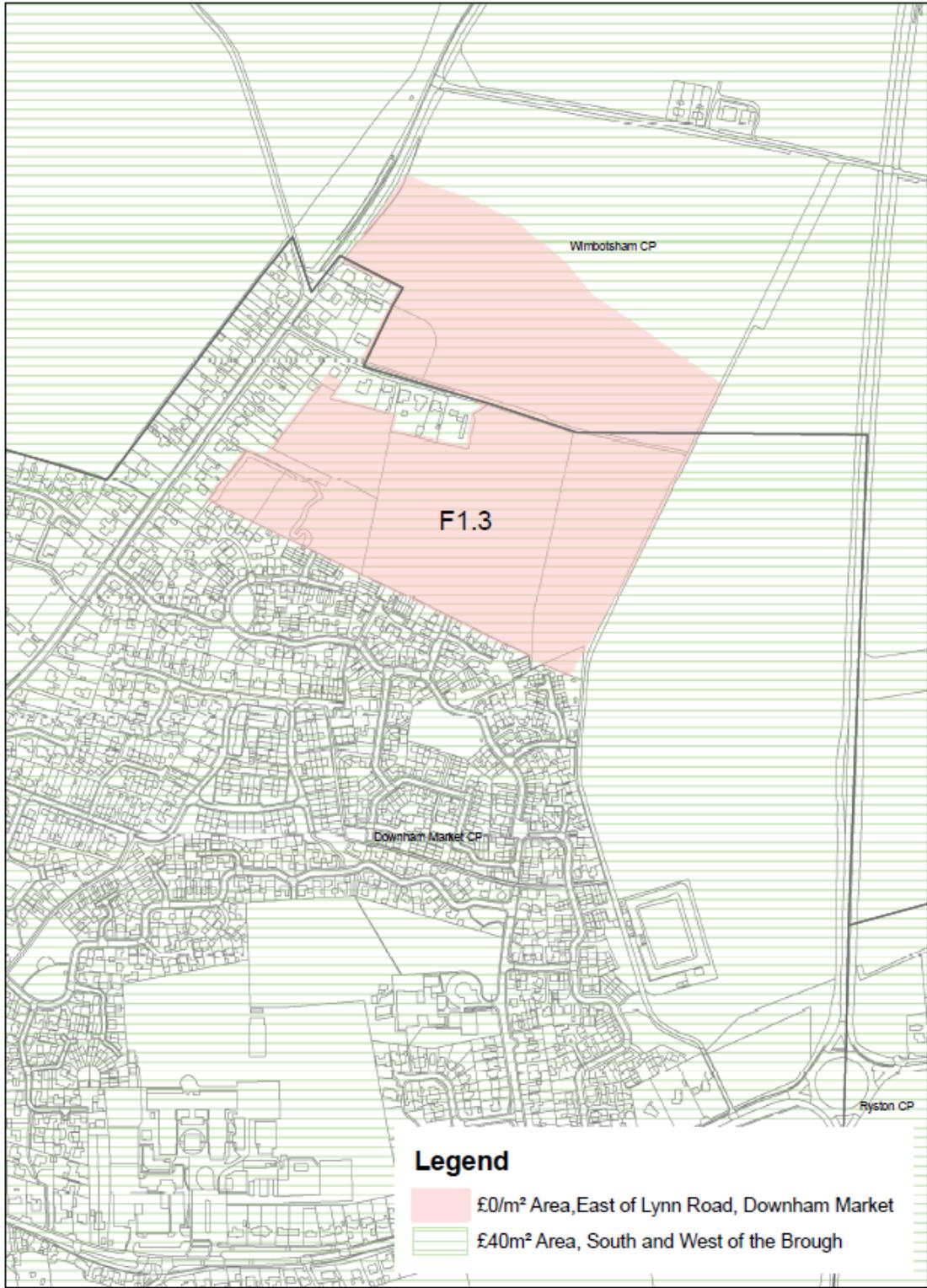


Charging Zones

Strategic Site: Bankside (E1.15), King's Lynn

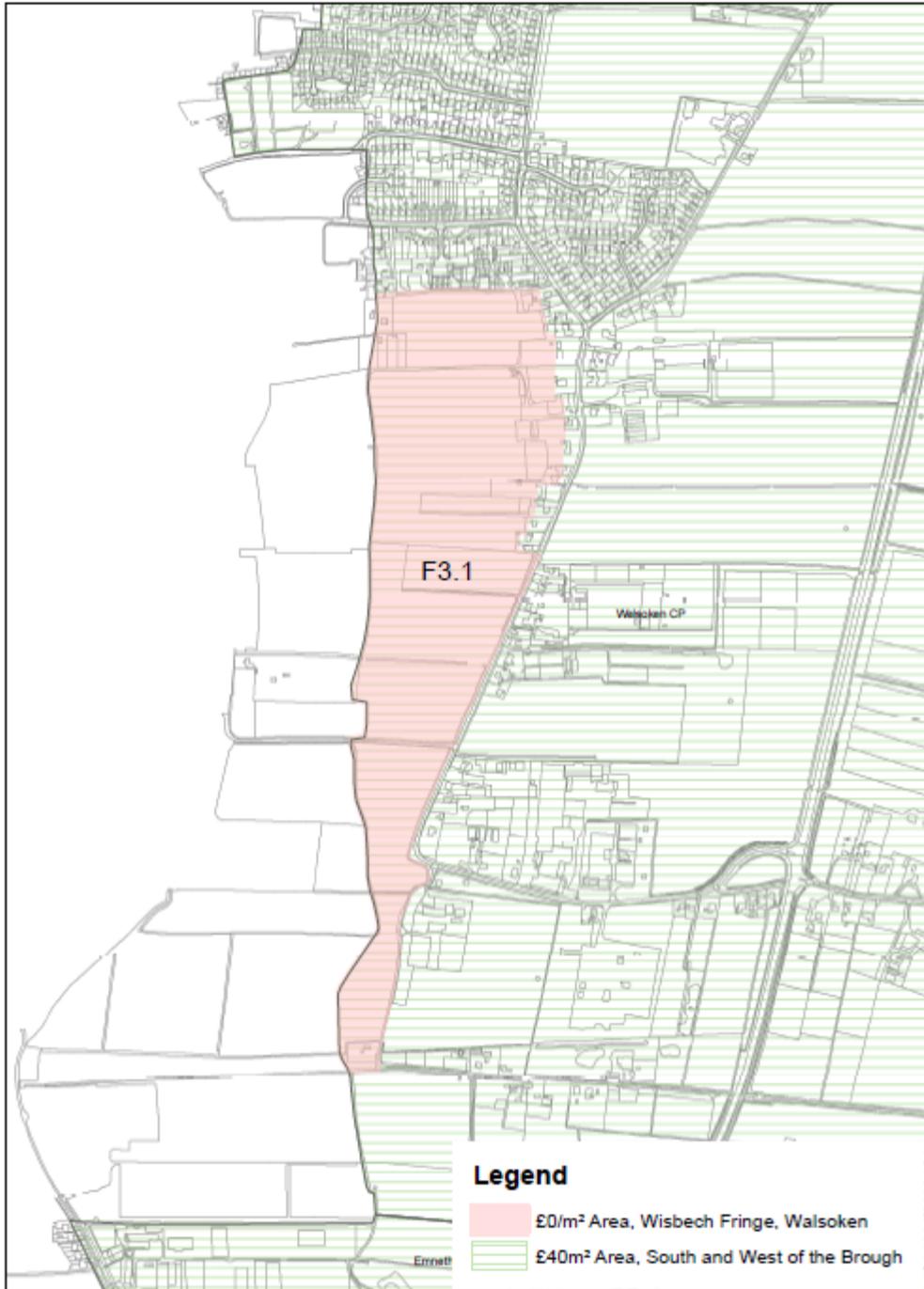


Charging Zones
Strategic Site: West Winch, strategic growth area



Charging Zones

Strategic Site: East of Lynn Road, Downham Market



Charging Zones

Strategic Site: Wisbech Fringe, Walsoken

Appendix 4

Community Infrastructure Levy – Consultation January 2015 – Summary of Comments and Responses

| ID | Organisation / Name | Summary of Comments / Issues Raised | Response / Action |
|-------------|---|---|--|
| 1 & 8 | Clenchwarton PC (Joan Hodkinson) | <ul style="list-style-type: none"> Support, provided that a substantial proportion of any future schedule rates, is returned to the Parish for the benefit of the community as a whole. | <p>It is specified that certain percentages of CIL receipts are due to parish and town councils, depending on whether neighbourhood plans are adopted or not. Currently 15% with no NP, or 25% with a NP.</p> <p>No change</p> |
| 2 | Middleton PC (Kate Senter) | <ul style="list-style-type: none"> Support provided there is a condition that PC's receive a portion of any CIL imposed on development within their Parishes. Reservations that developers would have funds to cover the cost of development whilst adhering to planning policies requiring them to provide local infrastructure and amenities as part of the development and the levy. | <ul style="list-style-type: none"> It is specified that certain percentages of CIL receipts are due to parish and town councils, depending on whether neighbourhood plans are adopted or not. Currently 15% with no NP or 25% with a NP. <p>No change</p> <ul style="list-style-type: none"> Consideration of the potential rates of CIL includes the 'viability' of such a level of charge, and at the same time taking into account broad plan policy requirements. <p>No change</p> |
| 3 | The Theatres Trust (Mr Ross Anthony) | <ul style="list-style-type: none"> Object to the unusual setting of a £10 rate for 'All other chargeable development' which would include D1, D2 and some sui generis i.e. theatres. These community and cultural facilities often run by charities or community groups do not generate sufficient income streams to cover their costs. Consequently, they require some form of subsidy to operate and this type of facility is very unlikely to be built by the private sector. Council should be encouraging these types of facilities as they support the social and cultural health and well-being of the local community, as noted in the | <ul style="list-style-type: none"> Charitable relief would be available to 'charities' as defined in the CIL Regulations. <p>No change</p> |

| ID | Organisation / Name | Summary of Comments / Issues Raised | Response / Action |
|----|-----------------------------|--|--|
| | | <p>NPPF. Therefore request that a nil rate is set for such community and cultural facilities.</p> | |
| 4 | Snettisham PC (Simon Bower) | <ul style="list-style-type: none"> • No comment on rates as long as the amount received is no less than that received from S106. • Very interested in the flood protection scheme at the coast listed in the Infrastructure Projects. • The entire area would benefit from improvements to roads approaching the area i.e. A47 duelling. • Would like a clause where all PCs affected are alerted by any CIL contributions when a planning application is submitted, there for giving them time to plan. | <ul style="list-style-type: none"> • This cannot be guaranteed in any specific local circumstance, but the overall charge is applied to all development across the Borough rather than simply development needing a S106, and therefore overall the amount of CIL should exceed the S106 income. The use of S106 is now restricted in any case so income would diminish even without CIL. <p>No change</p> <ul style="list-style-type: none"> • The inclusion of reference to a scheme reflects the ongoing work between the Borough Council and Environment Agency. <p>No change</p> <ul style="list-style-type: none"> • The potential list of schemes in Table B which accompanied the consultation sets out various schemes of wider significance, but some are not yet designed. <p>No change</p> <ul style="list-style-type: none"> • The consultation on the Preliminary Draft Charging Schedule does not give detail on the processes that will need to be put in place should the Borough Council decide to proceed with CIL. The collection process is closely governed by regulations. The involvement of parishes in the process is important and more focussed information sessions would be appropriate going forward. <p>Further detail about implementation will follow on from agreeing principle of a CIL.</p> |
| 5 | John Maxey | <ul style="list-style-type: none"> • Objection to the draft rates of CIL charge | <ul style="list-style-type: none"> • Noted, further explanation is given by Maxey Grounds and Co about specific figures used by SDH. <p>No change</p> |

| ID | Organisation / Name | Summary of Comments / Issues Raised | Response / Action |
|----|--|--|--|
| | | <ul style="list-style-type: none"> • Does not accept that the Viability Study accurately assesses the viability of development within the district. • Question the consultation process the consultant has included in the process. • Given that the majority of listed projects are uncosted it is difficult to make a meaningful comment about whether the scale of infrastructure is appropriate. | <ul style="list-style-type: none"> • The detailed calculations and comments about values and costs made by Maxey Grounds and Co have been investigated by SDH as part of updates for December 2015. • By engaging through this Preliminary Draft Charging Schedule consultation the Borough Council is following the appropriate process in considering CIL. Further detailed assessment of values and costs has been included. • It is accepted that specific projects are listed as uncosted. However this is a list of <i>potential</i> projects and gives an indication of the type of infrastructure required to support growth. It is also clear that there is a significant list that should be addressed. Notwithstanding the specific cost omissions it is apparent that CIL contributions will not exceed the works considered necessary. Give more specific information as available in table. |
| 6 | Woodland Trust UK (Ellie Henderson) | <ul style="list-style-type: none"> • Wants a tree planting and woodland creation to be mentioned in the list of types of infrastructure that may be funded. Sets out an evidenced case for this | Green infrastructure is in the draft R123 list No change |
| 7 | Hunstanton Civic Society (Andrew Murray) | <ul style="list-style-type: none"> • Transport infrastructure requires a realistic but long term view. It is not appropriate to tinker with the one way system in King's Lynn town centre. Large housing developments in South Wootton, West Winch require new transport facilities to connect the new residents with the town centre and areas of employment without reliance on private motor vehicles in order to reduce traffic congestion and pollution. | Transport issues are clearly important to the area as a whole. However site specific issues will still need to be dealt with, but CIL could contribute to wider issues affecting e.g. the whole town. Broad transport / traffic issues are outlined in plan policies. Detailed commentary on merits or otherwise of individual schemes is not appropriate in this document. The Table is reporting potential schemes some of which are more advanced than others. No change |
| 9 | Gayton Parish Council | <ul style="list-style-type: none"> • Support CIL implementation | Noted. |

| ID | Organisation / Name | Summary of Comments / Issues Raised | Response / Action |
|----|-------------------------------|--|--|
| 10 | (Kate Senter) Peter Gidney | <ul style="list-style-type: none"> Generic principles generally do not apply to West Norfolk. Local Economy is fragile and some straight forward housing sites are now considered by developers to be risky ventures. Within the SADMP & CIL Viability Study a levy table was presented purporting to be representative of what is happening in similar Authorities. Great Yarmouth was omitted, being an Authority who faces very similar challenges to BCKLWN they were worthy of inclusion and I am informed that they are not imposing a CIL, because of their fragile economy. Does the Study seek to try and justify a desire to impose this tax please comment? | <ul style="list-style-type: none"> Not clear as to why West Norfolk is considered to be so different. No change Clearly the fragility or otherwise of the economy is a very important factor for Members in balancing the potential for the charge to contribute to necessary infrastructure, but at the same time not imposing an unacceptably high CIL rate. The Viability study assesses the possible range of bearable charges, but the political judgement is the deciding voice. Different authorities have different viability scenarios and decision making. No change |
| 11 | Syderstone PC (Brian Lloyd) | <ul style="list-style-type: none"> Object to the levy as the charges are too high and these will affect building prices in villages. | <p>The Viability Assessment seeks to show how potential levels of CIL would affect viability and therefore prices. The conclusion is that there would not be the negative impacts as suggested.</p> <p>No change</p> |
| 12 | Wereham PC (Nicola Cooper) | <ul style="list-style-type: none"> Overall support Why is affordable or social housing excluded from this? How can you prevent developers opting to provide cheaper, low grade housing which would skew the type of development, degrade the entire nature of a village/town and devalue existing properties, in order to avoid a CIL contribution? What provision is the Borough going to make for ensuring school and medical infrastructure are kept in alignment with development? | <ul style="list-style-type: none"> Support noted. The anticipation is that affordable housing will continue to be sought as now. The % affordable housing requirement from Core Strategy policy CS09 has been built into the calculations as a cost. CIL is not avoidable as it is calculated on floorspace. Severe restrictions are applicable on affordable housing, and the economics are not the same. No change Education infrastructure is the responsibility of the County Council, but working with the Borough Council. Careful consideration will be needed to the possible use of S106 and wider contributions from CIL. Under the previous |

| ID | Organisation / Name | Summary of Comments / Issues Raised | Response / Action |
|----------------|---|---|--|
| | | <ul style="list-style-type: none"> • Cycle ways, public/green transport and improved utility services (water, power, gas, telephony wireless and fixed line +broadband) should be given a high priority. | <p>S106 regime money was collected towards new schools / upgrades. The use of CIL for schools is incorporated into the potential projects list.</p> <p>No change</p> <ul style="list-style-type: none"> • Medical facilities and provision of healthcare are the responsibility of the Clinical Commissioning Groups and the NHS. However the Borough Council works closely with both to ensure patterns of growth are understood and planned for. <p>No change</p> <ul style="list-style-type: none"> • The Borough Council seeks a dialogue through the plan preparation process with utility providers, but each will have its own financing mechanisms for dealing with growth. The Borough Council will need to give consideration as to whether investing CIL funds in specific growth locations or projects can achieve wider benefits. <p>No change</p> |
| 13, 14, 15, 16 | English Heritage (Tom Gilbert-Wooldridge) | <ul style="list-style-type: none"> • English Heritage recognises the importance of Community Infrastructure Levy (CIL) • Heritage assets can also be described as community infrastructure in their own right (such as specific tourist attractions). The Localism Act also allows CIL to be used for maintenance and on-going costs, which may be relevant for a range of heritage assets. At the same time, it is important that any CIL project minimises the harm that might be caused to heritage assets. • We hope that some expenditure can benefit the historic environment in the borough's neighbourhoods. In terms of the remaining proportion under the control of the Council it will be helpful to clarify how amounts | <ul style="list-style-type: none"> • Noted. • The issue of harm to heritage assets arising from development proposals is a proper consideration for the Local Plan. As to whether CIL funds should be used for maintenance or on-going costs, this will be a matter for the Borough Council in deciding on the relative priority of potential infrastructure projects. <p>No change</p> <ul style="list-style-type: none"> • As above. <p>No change</p> |

| ID | Organisation / Name | Summary of Comments / Issues Raised | Response / Action |
|----|---------------------|---|---|
| | | <p>will be split between different infrastructure types.</p> <ul style="list-style-type: none"> • The Council should be aware of the implications of any CIL rate on the viability and effective conservation of the historic environment and heritage assets in development proposals. • In determining the rates of CIL that are being put forward in the Charging Schedule, it is essential that the rates being proposed in areas where there are groups of heritage assets at risk are not likely to discourage schemes being brought forward for their reuse or associated heritage-led regeneration. • We recommend that the conditions and procedures for CIL relief be set out within a separate statement following the Draft Charging Schedule. | <ul style="list-style-type: none"> • Assessment of the overall CIL rate(s) takes into account the broad 'cost' of our general plan policies. The Viability Study is not a specific study of all the costs associated with a particular proposal. <p>No change</p> <ul style="list-style-type: none"> • As above. The viability assessment is a high level assessment. Additionally conversions would not necessarily be liable. Net additions of 100sqm are chargeable. • It is necessary to set out such matters for clarity. It is suggested that this approach is followed. <p>Ensure clear statements are given about CIL relief.</p> |
| 17 | Northern Trust | <ul style="list-style-type: none"> • Comments relate to document C 'potential projects'. An infrastructure delivery plan was submitted in support of Northern Trust's representations to the SADMP pre-sub. The IDP lists the potential infrastructure requirements associated with the WW Growth Area that CIL should contribute to as the items are required for both development within the Growth Area and development within the remainder of the Borough. We have demonstrated that the South Eastern proposed development (overall) is only a part of the cause for future highway improvements, there has also been a growing need for these as long as 20 years ago (acknowledged then by the HA) and development now just makes it even more essential. | <p>This is a very specific point affecting one (very large) site. The proportions of total costs applicable to particular parts of a local plan allocation and hence the mechanism of an 'Infrastructure Delivery Plan' envisaged in the Local Plan. This will isolate the various elements of infrastructure required for the wider development and address issues about equality of contributions between parties. The Borough Council is working with landowners and developers to bring forward a comprehensive document detailing the items required, with phasing etc. It is relevant to consider the wider aspects of 'need' for infrastructure. It is relevant to consider the relative merits of both S106 and CIL charges as they would impact the site.</p> <p>There is a relationship to be considered between the CIL and the Local Plan. The Sites Plan Examination will take place in July, and this relationship will be one part of the Examination process. The viability of the scheme and funding mechanisms would be one</p> |

| ID | Organisation / Name | Summary of Comments / Issues Raised | Response / Action |
|----|--|---|--|
| | | | <p>output.</p> <p>In CIL charge terms the viability of such a major (3000+ houses) scheme needs to be considered carefully, rather than simply applying a 'standard' approach.</p> <p>Proposed 'zero' rate for strategic sites.</p> |
| 18 | South Wootton Parish council (Bidwells/ James Allflat) | <ul style="list-style-type: none"> • South Wotton will be providing an extension to King's Lynn but based on the parished/un-parished approach to level charged will be inconsistent, however in principle they do not object to the higher rate providing they receive the funds. • The Parish Council would contend that the Borough Council does not sufficiently meet the 'up to date development plan' test in order to set a CIL. Core Strategy NPPF compliant? Does the SADMP meet the OAN. This position will only be confirmed once the current site allocations and development management policies document completes its examination. • The evidence used to compile the infrastructure list is outdated. • The estimated costs (circa £76.7 million) are already significantly higher than the CIL revenues likely to be received during the plan period (£15m). Given such a significant shortfall in funding, it is questioned how the Borough Council would be seeking to bridge this funding gap? • South Wootton Parish Council considers that given the significant quantum of growth proposed at Hall Lane | <ul style="list-style-type: none"> • Noted. • It is accepted that the SADMP is about to be Examined. However the consistency with the NPPF is outlined in a recently published document – see website. In addition the Borough Council commissioned an update of the 2013 SHMA / OAN assessment in the light of the recently published household forecasts. This is also available on the website. In both situations the Borough Council believes its SADMP is up to date. <p>No change</p> <ul style="list-style-type: none"> • It is accepted that the list requires refinement and precision. <p>Update as appropriate.</p> <ul style="list-style-type: none"> • Clearly without potential CIL receipts the gap would be even larger. In terms of CIL it is important to establish a gap, in terms of the CIL Regulations. It is accepted that there will need to be further sources of funding identified for some projects. <p>No change</p> <ul style="list-style-type: none"> • The SADMP particularly notes the interrelationship between the Knights Hill and Hall Lane sites at South |

| ID | Organisation / Name | Summary of Comments / Issues Raised | Response / Action |
|----|--|---|---|
| | | <p>and Knights Hill, why is no CIL funding proposed to address/improve the highway capacity of the gateway entrance to the north of the town (Grimston Road, Low Road, Edward Benefer Way)?</p> <ul style="list-style-type: none"> • Worried that CIL may put developers off • It should also be noted, that South Wootton Parish Council considers the 25% of all CIL receipts received from development within the parish area should be considered a minimum, uncapped and paid to the Parish Council every six months, at the end of October and April, in any year as a minimum in accordance with Regulation 59D of the CIL Regs. | <p>Wootton and requires joint study of the traffic issues. It is anticipated that the housing schemes will fund the relevant related improvements.</p> <p>No change</p> <ul style="list-style-type: none"> • It is important that the viability evidence is credible. The Borough Council is updating relevant elements of that work. <p>Updated values and costs are included.</p> <ul style="list-style-type: none"> • It will be important to pay over relevant CIL due to parishes in the way that the Regulations envisage it. <p>No change</p> |
| 19 | Cllr Alexandra Kemp (Clenchwarton & King's Lynn South) | <ul style="list-style-type: none"> • Suitable pedestrian crossings with traffic calming where needed to connect housing estates with main settlements and amenities. • All roads on housing estate to be fully constructed up to County Council adoption standard. • Increased capacity for surface water drainage on new developments to take account of current increased rainfall and future climate change. | <p>These comments make general statements about how individual sites need to be properly provided with infrastructure to relevant standards. Each allocation and certainly each planning application when submitted will be assessed against relevant standards. CIL and CIL rates of itself does not guarantee any particular standard is met. That is not the focus of the charge, other regimes deal with that.</p> |
| 20 | Crimplesham PC (Sarah Thorpe) | <ul style="list-style-type: none"> • CIL is another nail in the coffin of the small developer/ builder. Not only have the Borough Council made it very difficult to build houses in the villages, but they are now proposing to charge £60 per square metre. This has been in place in other parts of the country for some time and has had a detrimental effect on building as it is not viable to give away £8,000 - £10,000 on an average three bedroom house. | <ul style="list-style-type: none"> • The general point about the need for builders to have a viable scheme is paramount. The Viability Study shows the effect of the potential charge on different types of scheme. |

| ID | Organisation / Name | Summary of Comments / Issues Raised | Response / Action |
|----|--|--|---|
| | | <ul style="list-style-type: none"> Our government is constantly telling us we want our builders building and taking on apprentices. How can either of these things happen when constant obstacles are put in the way of actually building a house, or with this CIL payment, even a large extension? The Borough Council are not listening to our thoughts and will no doubt adopt this policy regardless of comments made in this consultation. | <ul style="list-style-type: none"> Awaiting outcome of current Government led review of the impacts of CIL. The Viability Study update 2015 clearly demonstrates that the introduction of CIL will not threaten the deliverability of the plan as whole or prevent development from coming forward. The Government recently announced proposals to exempt certain developments from CIL and other charges, but this is a national position. <p>No change</p> <ul style="list-style-type: none"> This is a consultation, and comments are assessed and considered, this is not the same as immediately agreeing all the points within them. The Borough Council has to work within the national guidelines and regulations as published. |
| 21 | Carter Jonas / January's on behalf of Camland Developments (Paul Belton) | <ul style="list-style-type: none"> Support the CIL, but suggest that the Knights Hill allocation is subject to a maximum rate of £10m2 and all urban extension areas relating to King's Lynn should have this rate. | <ul style="list-style-type: none"> Advice from the Viability Study suggests there are different market areas which need to be considered. Knights Hill is a different sort of place to central King's Lynn and will display different values. The Viability Study shows differing values across the Borough. It is the local geographical market rather than the function of the housing which gives baseline data for assessing potential CIL rates. <p>No change</p> |
| 22 | West Winch PC (Judy Close) | <ul style="list-style-type: none"> Pleased that a CIL is being considered but would ask that you ensure that there is no "get out" clause possible for developers who plead poverty and say they can't afford the CIL contributions. This is especially the case in West Winch / North Runcton where the developers will be contributing towards a new relief road as well. If they can't afford the contributions then, quite simply, they must not be allowed to build. | <p>As above it is important to understand the impact of viability generally and for specific larger locations. It is also important to consider what can potentially be required under S106, and what would be appropriate to come from a CIL. The relative CIL rate maybe different depending on the overall list.</p> <p>Liability for a CIL charge is governed by Regulations. It is important to note that the strategic site at West Winch / North Runcton is 'zero rated' given the viability assessment' with onsite facilities provided through a S106 agreement.</p> |

| ID | Organisation / Name | Summary of Comments / Issues Raised | Response / Action |
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| 23 | North Runcton PC (Rachel Curtis) | <ul style="list-style-type: none"> • Request a workshop to discuss • T&C's of the 25% contribution? • Concerned with the values (too low) for infrastructure projects • Concerned that CIL monies would be swallowed up by regional/national road projects at the expense of local projects such as 'green infrastructure' • Unbaled contribution to roads and GI (50K) | <ul style="list-style-type: none"> • There will be a consultation period and requests for meetings can be considered. • Position is set out in the relevant CIL Regulations. <p>No change</p> <ul style="list-style-type: none"> • As above it is important to understand the impact of viability generally and for specific larger locations. It is also important to consider what can potentially be site specific and required under S106, and what would be appropriate to come from a CIL. <p>No change</p> <ul style="list-style-type: none"> • Money from CIL can be spent on schemes which benefit the area, this is unlikely to be national or even regional in nature, but it could be elsewhere in the Borough. Any decision on priorities for CIL will be made primarily at the Borough Council level. <p>No change</p> <ul style="list-style-type: none"> • Careful consideration will need to be given to onsite infrastructure as part of any applications. |
| 24 | Potential Planning / Aldi Stores (Paul Galgey) | <ul style="list-style-type: none"> • Concerned by how the proposed charge rates for convenience retail may impact on the viability of prospective development. • Aldi do not consider themselves a regular supermarket like the 'big 4' and thus do not believe a flat rate for all supermarkets should be introduced. Suggest different rates for different types of convenience retail. | <ul style="list-style-type: none"> • Noted. • The individual business model for operators is a commercial decision for that company. Whilst there are clear differences between a 'corner shop' and a supermarket, they fall into the same Use Class (A1). Floorspace available will impact on turnover and thus profitability. The most appropriate way to deal with this given the planning categorisations is through the simple floorspace calculation, rather than through different definitions of 'type'. <p>No change</p> |

| ID | Organisation / Name | Summary of Comments / Issues Raised | Response / Action |
|----|--|--|--|
| 25 | The Planning Bureau, McCarthy and Stone Retirement Lifestyles (Ziyad Thomas) | <ul style="list-style-type: none"> Commends the BC for taking into account the housing need/care for the elderly. Considers the bench mark land values to be too low i.e. brownfield sites close to services/centrally located. Request a Nil CIL rate for Extra Care Accommodation | <p>Noted</p> <p>A re-assessment of base data is being undertaken to ensure it is current before considering a draft rate.</p> <p>Sheltered/Retirement Housing recommended as zero rate in the final report Dec 2015.</p> |
| 26 | Turley on behalf of Hopkins Homes (Mr G Warriner) | <ul style="list-style-type: none"> Do not object to the principle of a CIL Keen that it does not delay or prevent development coming forward under existing procedures while it is being advanced. In our view, the size of the Hopkins proposals will allow expected development obligations/contributions to be sought under the existing regime post April 2015 (when pooling of resources will be more difficult). In terms of the charging schedule, the West Winch Growth Area would be liable to a charge of £60 per sqm. It is considered that this is fairly set and comparable to other areas. However, the viability assessment shows that outer areas, particularly the northern villages have greater ability to meet CIL than King's Lynn, Downham Market and fringe King's Lynn area, so the Council may want to consider whether residential contributions are split into three areas rather than two to allow a larger CIL contribution from the more valuable areas and a modest reduction in the fringe King's Lynn, Stoke Ferry and Downham Market areas – in order to ensure the attractiveness of developing in these areas remains. | <ul style="list-style-type: none"> Noted. Whilst the Borough Council is undertaking this consideration of whether or not to have a CIL regime in West Norfolk there are planning applications in the pipeline that also need to be dealt with efficiently, including the Hopkins application. We would not want to delay consideration because of potential CIL issues. The extent to which emerging allocations at West Winch / North Runcton can be dealt with existing S106 provisions is a consideration. <p>No change</p> <ul style="list-style-type: none"> Comments regarding the potential CIL level as it may affect Hopkins development at West Winch / North Runcton are noted. Values in some northern parts of the Borough are very high, but this is primarily confined to a narrow strip along the coast. If an additional zone were to be set for that area alone it would only affect a small number of new properties. There a very few (in total) allocations in the emerging plan. Couple this with the potential exemptions under 'self-build' and extra income could be minimal. The separately assessed rates for more southern areas including fringe King's Lynn locations reflect the viability assessments there. As noted above these will be reviewed. |

| ID | Organisation / Name | Summary of Comments / Issues Raised | Response / Action |
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| | | | No change |
| | Late Representations | | |
| 27 | King's Lynn Civic Society (Helen Russell-Johnson) | <ul style="list-style-type: none"> • Broad Support for CIL • Suggest that CIL funds support a dedicated Officer to further develop green space across the Borough • Concerned that majority of monies would be spend on roads, suggest that some should be spent on paths and cycle ways • With no Town Council who will represent KL in the future? • Unclear why a low rate is proposed for KL • Would like the opportunity to understand more | <ul style="list-style-type: none"> • Support noted. • CIL is primarily about infrastructure projects, rather than extra staff, however the potential for additional green infrastructure is included on the potential infrastructure list which accompanied the consultation. <p>No change</p> <ul style="list-style-type: none"> • There are some very significant road elements in the potential list. It would be appropriate to consider a category for smaller schemes which could include paths and cycleway links. <p>Make clear that cycling / walking could also be very relevant</p> <ul style="list-style-type: none"> • The Borough Council would primarily assume the responsibility for the interests of the town. However there is a King's Lynn Consultative Committee which can play a role. <p>No change</p> <ul style="list-style-type: none"> • The lower rate for King's Lynn is indicated by the Viability Assessment (see pages 114 – 117) in particular. Modelled sites and values are discussed here. <p>No change</p> <ul style="list-style-type: none"> • Request noted, but links to other material are given in the consultation material. <p>Make clear other sources of information</p> |
| 28 | Dersingham Parish Council (Sarah Bristow) | <ul style="list-style-type: none"> • Accept the figures quoted | Noted. |
| 29 | Norfolk County | <ul style="list-style-type: none"> • Over simplification of pooling | <ul style="list-style-type: none"> • There are clear restrictions on the use of S106 |

| ID | Organisation / Name | Summary of Comments / Issues Raised | Response / Action |
|----|-------------------------------|---|---|
| | Council (Stephen Faulkner) | <ul style="list-style-type: none"> • Source of project costs unclear • Considers that strategic fire service provision, waste recycling centres and libraries should be added to any future REG 123 list • Continued use of S106? • The Introduction Paper (Paragraph 8.7) makes specific reference to the need to set up a governance structure around CIL to decide on funding priorities. The County Council fully supports the need for such arrangements and would wish to work closely with the Borough Council | <p>agreements post April 2015. It is noted that NCC have investigated a more focussed process for defining particular projects, but this is still to be fully tested.</p> <p>No change</p> <ul style="list-style-type: none"> • It would be helpful to give additional information on projects where known. <p>Outline additional information where available.</p> <ul style="list-style-type: none"> • The inclusion or otherwise of types of projects needs to be given careful consideration. The list as presented for consultation explicitly notes that they <i>could</i> be priorities. It is inevitable that some projects will be less of a priority, especially given the limited amount of money likely to be raised against even a prioritised list. <p>No change, but discussion on priorities will be more appropriate in subsequent stages.</p> <ul style="list-style-type: none"> • It is accepted that S106 continues and will have role, but restrictions mean their value is reduced as a tool for achieving infrastructure. <p>No change</p> <ul style="list-style-type: none"> • Support for this is noted. The Strategic Services Co-ordinating Group, and the Norfolk Infrastructure Plan (both convened / prepared with the NCC) have been useful in setting the scene for local work. It would be appropriate to engage with the County Council in subsequent stages. <p>Outline additional information on subsequent stages.</p> |
| 30 | NPS Group (Richard Smith) | <ul style="list-style-type: none"> • We are happy that there will be no CIL charge for land within the un-parished area of Kings Lynn as most sites to be developed are on brownfield land and have flood risk issues to address which affects their viability. • We have concerns regarding the CIL level of £60 per square metre for residential development in the rest of | <ul style="list-style-type: none"> • This is an <i>incorrect reading of the schedule</i>; a £10/m² charge <i>is</i> outlined for the un-parished area of King's Lynn. The lower cost reflects the considerations when developing in the town area. <p>No change</p> <ul style="list-style-type: none"> • The Viability Assessment specifically outlines how the charge fits into development costs and considers the |

| ID | Organisation / Name | Summary of Comments / Issues Raised | Response / Action |
|----|---|---|--|
| | | <p>West Norfolk as this would increase developer costs to build. This may make schemes unviable, reducing the amount of development and CIL payments for infrastructure or the costs may be passed onto future purchasers making housing less affordable.</p> | <p>effect of a charge. NPS do not make specific reference to values in particular places to highlight this. The principles of undertaking the CIL assessment in West Norfolk reflects those elsewhere and the effects on viability in terms of costs, profit and land values are tested throughout the viability report across a variety of house types and densities.</p> |
| 31 | Pegasus Planning Group (Gabrielle Rowan) | <ul style="list-style-type: none"> Concerned that they were not consulted. Request that we inform them of the process and add them to the CIL consultation database | <p>Pegasus have been contacted advising them of the CIL consultation process, information and added them to the CIL database</p> |