

Community Infrastructure Levy Draft Charging Schedule : Statement of Consultation and Key Issues



August 2019

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Statement of Consultation and Key Issues

1 Introduction

- 1.1** The Community Infrastructure levy (CIL) is a tool for local authorities to help deliver infrastructure to support the development of the area. The levy came into force in April 2010 and local authorities wishing to utilise CIL to raise funds for infrastructure are required to develop a charging schedule.
- 1.2** A Draft Charging Schedule (DCS) is a document which sets out the charging authority's proposals for the levy, for public consultation. Harrogate Borough Council is a charging authority under the CIL legislation. This report summarises the consultation process carried out for the DCS, in advance of submission of the CIL DCS for independent examination and details the key issues raised and the Council's response to those issues.
- 1.3** The development of the DCS has been informed by appropriate evidence which includes:
- The Harrogate District Draft Local Plan https://www.harrogate.gov.uk/info/20012/planning_and_development/1134/local_plan_submission
 - Whole Plan Viability Assessment (WPV) (Oct 2016) https://www.harrogate.gov.uk/downloads/file/2153/2016_october_-_whole_plan_viability_study
 - The Infrastructure Delivery Plan (IDP) (Jan 2018 and August 2018) https://www.harrogate.gov.uk/info/20012/planning_and_development/1134/local_plan_submission
 - Local Plan Viability Update and CIL Viability Assessment (May 2018)
 - Representations to the Preliminary Draft Charging Schedule consultation consult.harrogate.gov.uk/portal/pp/cil/pdcs/pdcs
- 1.4** The Draft Charging Schedule has been subject to two periods of public consultation as detailed below:

Preliminary Draft Charging Schedule Consultation

- 1.5** The Preliminary Draft Charging Schedule and supporting evidence was subject to public consultation between 25 May and 6 July 2018. The consultation material and evidence was available to view on line through the council's consultation portal <http://consult.harrogate.gov.uk> and in hard copies at libraries and council offices throughout the district. 19 responses were received to this consultation and the consultation and key issues report was published on the Council website. ⁽¹⁾

Draft Charging Schedule Consultation

- 1.6** The Draft Charging Schedule and supporting viability evidence was subject to public consultation between Friday 11 January and Friday 22 February 2019. The consultation material was available to view on line through the council's consultation portal <http://consult.harrogate.gov.uk> and in hard copy at libraries and councils offices throughout the district. The council used a number of methods to invite people to make written representations and comments. A Statement of Representations Procedure was published on the website ⁽²⁾ and can be viewed in Appendix 1.

1 https://www.harrogate.gov.uk/downloads/file/4719/preliminary_draft_charging_schedule_key_issues_january_2019

2 https://www.harrogate.gov.uk/downloads/file/4720/statement_of_representations_procedure

1 Introduction

1.7 The methods used by the Council for both consultations are summarised in the table below:

Community Infrastructure Levy - Methods of Consultation	
Website	Information was posted on the council's website and on the planning policy team's consultation portal at https://consult.harrogate.gov.uk
Press notice	Notice in the Advertiser series of newspapers (See Appendix 2)
Availability of documents	Consultation documents were made available for inspection on the council website and in the following locations: Harrogate Civic Centre, Harrogate, HG1 2AE Knaresborough House, High Street, Knaresborough, HG5 0HW Ripon Town Hall, Market Place South, Ripon, HG4 1DD Libraries throughout the district
Contact with statutory bodies/key stakeholders	Statutory bodies contacted by letter or email including all the Duty to Co-operate partners
Contact with parish councils	Parish councils were contacted by letter/email informing them of the consultation. They were also sent a copy of the DCS.
Contact with consultees	All contacts on the consultation database were contacted via letter or email informing them of the consultation and how they can view the documents and respond to the consultation.
Social media	Notification that the consultation had started and regular reminders throughout the consultation were posted on the councils twitter feed
Email	A dedicated email address for the planning policy team provided the opportunity for members of the public to ask questions regarding the content of the documents and also submit completed response forms.
Online consultation portal	Interactive portal enabling the response form to be completed and submitted directly whilst viewing the consultation documents
Post	Completed response forms could be posted to the planning policy team for consideration

Summary of Main Issues Raised and Council Response 2

2 Summary of Main Issues Raised and Council Response

Key Issues Raised

2.1 A total of 33 comments were received to the consultation and these are summarised below:

Comments received from	Number of comments Received	Details
Residents/Individuals	8	
Developers, Consultants	10	Taylor Wimpey, Aldi, Barratt and David Wilson Homes, Richborough Estates, O Neil Associates, Quarters Developments, Barker Business Park, Bourne Leisure, Thornton and Linley, Estate Consultations Limited
Statutory Consultees (Government/Consultation Bodies)	2	Historic England, Sport England
Local Planning Authorities/Councils	1	North Yorkshire County Council
Town, Parish Councils	6	Knaresborough Town Council, Bewerley Parish Council, Goldsborough and Flaxby Parish Council, Wetherby Town Council, Pateley Bridge Town Council, Pannal and Burn Bridge Parish Council
Councillors	2	Councillor Willoughby, Councillor Lamb
Specific Organisations	2	Network Rail, Canal and River Trust
General Organisations (Groups / Societies)	2	Ripon Civic Society, Better Wetherby Partnership
Total	33	

Table 2.1 Summary table of comments categorised into consultation groups/bodies

2.2 The main issues raised are summarised below together with the Council's response. Where the representation has led to a modification in the Submission Charging Schedule this has been noted. The individual representations can be found on the consultation portal at <https://consult.harrogate.gov.uk/portal>

Key Issue	Respondent	Council Response
Holiday lodges that are restricted as such a use in the planning consent should be classed under All Other Development. It should be made	Bourne Leisure	Agree – these would not be subject to CIL and would be classed as 'All Other development' providing the planning consent has been restricted to holiday occupation. Clarification of this will be added to the Charging Schedule Modification: Add clarifications that purpose-built rental or static caravan units within holiday parks or resorts are not subject to CIL

2 Summary of Main Issues Raised and Council Response

Key Issue	Respondent	Council Response																		
<p>clear that the rate does not apply to purpose-built rental or static caravan holiday units within holiday parks or holiday resorts.</p> <p>Would be useful to include a specific definition of "residential" within the DCS which sets out what uses are excluded from the residential category.</p>																				
Supermarket Development																				
<p>2018 Viability Update recommended £40/m² for smaller supermarkets so this should be represented in the schedule</p>	Aldi	<p>This is not reflected in the DCS so will be corrected and a definition of small supermarket included</p> <p>Modification: Add smaller supermarket charge into the charging schedule and a footnote definition that it applies to supermarkets less than 2000sqm</p>																		
<p>Assumption regarding development land value is too low. Two examples show values of £1.82m and £1.18m per acre</p>	Aldi	<p>The PPG specifies an approach based on the Existing Use Value (EUV) plus approach rather than reference to market value. The approach taken in the 2016 Viability Assessment and 2018 Viability Update is based on the EUV Plus approach and was tested through the consultation that informed the 2016 Viability assessment.</p>																		
<p>Assumptions about professional fees are too low at 8%. Financial appraisals currently assume 10%</p>	Aldi	<p>The Assessment includes the following fee assumptions:</p> <table border="0"> <tr> <td>Design and Construction</td> <td>8%</td> <td>£142,416</td> </tr> <tr> <td>Strategic Promotion</td> <td></td> <td>£25,000</td> </tr> <tr> <td>Pre Planning</td> <td></td> <td>£20,000</td> </tr> <tr> <td>Finance</td> <td></td> <td>£100,000</td> </tr> <tr> <td>Sales</td> <td>2.5%</td> <td>£40,050</td> </tr> <tr> <td></td> <td></td> <td>£327,466</td> </tr> </table>	Design and Construction	8%	£142,416	Strategic Promotion		£25,000	Pre Planning		£20,000	Finance		£100,000	Sales	2.5%	£40,050			£327,466
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<p>Planning cost figures used are too low. Would expect to pay £50,000 - £70,000 for technical work and £12,000 planning fee for a new Aldi store</p>	Aldi																			

Summary of Main Issues Raised and Council Response 2

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		In addition, buyers costs are allowed for at 4.5% of the value. When aggregated these costs are well above the 10% suggested.
No allowance has been made for rent free periods	Aldi	Accepted that no allowance is made for rent free periods. Generally, such units do not come forward as speculative development and are normally developed directly by the end user or under a 'pre-let' where a rent-free period is not necessary
CIL is too Low		
Additional evidence should be provided to justify the decision of taking forward the consultants recommendations in full without offering any meaningful qualitative explanation and how the shortfall will be addressed.	Better Wetherby	Whilst no evidence is submitted to support the comment that CIL is too low it is important to note that in making the recommendations allowance has been made for the site specific strategic infrastructure and mitigation costs (2018 Viability Update - Table 5.1). The sites in Zone 3 are not excused making contributions to infrastructure - rather they are contributing through the S106 regime. It is also assumed that all other units contribute £2000/unit under the s106 regime (2016 Viability Assessment - Paragraph 7.27)
Appears that HBC is aiming to set a CIL rate that would make house building more financially attractive for developers.	Better Wetherby	
Surprised that CIL rates are so low given that Harrogate has the highest house prices in the region. Rates are significantly lower than those in neighbouring authorities. Object to the proposed residential CIL rates in that they have driven unreasonably the over-generous extent of the Ripon Zone 2 for the following reasons: <ul style="list-style-type: none"> price assumptions were based on 	Ripon Civic Society	The values are drawn from a range of data sources and confirmed through the consultation. Land Registry Price Paid data was analysed (2016 Viability Assessment - Table 4.1). This is primary data that sets out the actual price paid and is comprehensive. The homes that had been sold in the Ripon area were, on average somewhat less expensive than in the Borough as a whole. This is based on a large sample so can be considered to be reliable. In some districts the newbuild house prices do not follow the same pattern as the wider market. This is not the case in Ripon. Land Registry Price Paid data for new build was analysed (2016 Viability Assessment - Table 4.2) and married with data from the EPC Register (2016 Viability Assessment - Table 4.3) to derive values on a £/m2 basis. This confirms the same pattern. This is primary data that sets out the actual price paid and is comprehensive. The homes that have been sold in the Ripon area were, on average somewhat less expensive than in the Borough as a whole. the following table sets out average prices for new and all properties from the Land Registry from the start of 2018. It is important to note that this data is by post town - as that is how the Land Registry hold the data:

2 Summary of Main Issues Raised and Council Response

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<p>small sample sizes of house prices in 2015/16 so is flawed</p> <ul style="list-style-type: none"> evidence does not provide a satisfactory basis for calculating CIL as is not sufficiently fine grained, is over a long enough time period nor takes account of the wide differences in house prices between the wards 		<table border="1"> <thead> <tr> <th></th> <th>Detached</th> <th>Flats</th> <th>Semi-Detached</th> <th>Terrace</th> <th>All</th> </tr> </thead> <tbody> <tr> <td colspan="6" style="text-align: center;">Harrogate</td> </tr> <tr> <td>All</td> <td>444</td> <td>375</td> <td>559</td> <td>501</td> <td>1879</td> </tr> <tr> <td>Average</td> <td>£519,048</td> <td>£231,402</td> <td>£299,436</td> <td>£259,776</td> <td>£327,177</td> </tr> <tr> <td>New</td> <td>56</td> <td>37</td> <td>23</td> <td>18</td> <td>134</td> </tr> <tr> <td>Average</td> <td>£519,487</td> <td>£225,638</td> <td>£370,587</td> <td>£393,188</td> <td>£395,827</td> </tr> <tr> <td colspan="6" style="text-align: center;">Ripon</td> </tr> <tr> <td>All</td> <td>140</td> <td>50</td> <td>96</td> <td>112</td> <td>398</td> </tr> <tr> <td>Average</td> <td>£387,969</td> <td>£163,415</td> <td>£237,820</td> <td>£203,340</td> <td>£271,586</td> </tr> <tr> <td>New</td> <td>7</td> <td>2</td> <td>1</td> <td>0</td> <td>10</td> </tr> <tr> <td>Average</td> <td>£367,855</td> <td>£415,000</td> <td>£284,995</td> <td>£0</td> <td>£368,998</td> </tr> <tr> <td colspan="6" style="text-align: center;">All</td> </tr> <tr> <td>All</td> <td>907</td> <td>463</td> <td>866</td> <td>756</td> <td>2992</td> </tr> <tr> <td>Average</td> <td>£475,412</td> <td>£218,042</td> <td>£288,695</td> <td>£248,421</td> <td>£324,187</td> </tr> <tr> <td>New</td> <td>133</td> <td>39</td> <td>48</td> <td>26</td> <td>246</td> </tr> <tr> <td>Average</td> <td>£469,088</td> <td>£235,349</td> <td>£305,842</td> <td>£348,321</td> <td>£387,415</td> </tr> </tbody> </table> <p>Land Registry Price Paid data - January 2018 to March 2019</p> <p>This confirms prices in Ripon remain somewhat less in the Borough as a whole.</p>		Detached	Flats	Semi-Detached	Terrace	All	Harrogate						All	444	375	559	501	1879	Average	£519,048	£231,402	£299,436	£259,776	£327,177	New	56	37	23	18	134	Average	£519,487	£225,638	£370,587	£393,188	£395,827	Ripon						All	140	50	96	112	398	Average	£387,969	£163,415	£237,820	£203,340	£271,586	New	7	2	1	0	10	Average	£367,855	£415,000	£284,995	£0	£368,998	All						All	907	463	866	756	2992	Average	£475,412	£218,042	£288,695	£248,421	£324,187	New	133	39	48	26	246	Average	£469,088	£235,349	£305,842	£348,321	£387,415
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<p>Statements in the two viability assessments (2016 and 2018) are not accurate and not similar in their conclusions as follows:</p> <ul style="list-style-type: none"> 2016 - introduction of CIL would require consideration 	Barratt and David Wilson Homes	<p>The viability statements in the two assessments do not differ and analysis of the allocated sites using the typology methodology from the Viability Assessment shows that only 70 of the 2200 units in Zone 1 would not be viable as a result of CIL (and the other policy requirements). At 3% this would not put the development plan at risk in any way.</p> <table border="1"> <thead> <tr> <th></th> <th>Zone 1</th> <th>Zone 2</th> <th>Zone 3</th> <th>ALL</th> </tr> </thead> <tbody> <tr> <td>Large Brownfield 100</td> <td>0%</td> <td>0%</td> <td>31%</td> <td>20%</td> </tr> <tr> <td>Large Greenfield 225</td> <td>0%</td> <td>0%</td> <td>26%</td> <td>16%</td> </tr> <tr> <td>Large Greenfield 500</td> <td>0%</td> <td>0%</td> <td>17%</td> <td>11%</td> </tr> <tr> <td>Medium Brownfield 20</td> <td>2%</td> <td>21%</td> <td>0%</td> <td>1%</td> </tr> <tr> <td>Medium Brownfield 50</td> <td>0%</td> <td>0%</td> <td>2%</td> <td>1%</td> </tr> <tr> <td>Medium Greenfield 130</td> <td>40%</td> <td>0%</td> <td>4%</td> <td>17%</td> </tr> <tr> <td>Medium Greenfield 15</td> <td>4%</td> <td>17%</td> <td>0%</td> <td>2%</td> </tr> <tr> <td>Medium Greenfield 30</td> <td>37%</td> <td>45%</td> <td>0%</td> <td>14%</td> </tr> </tbody> </table>		Zone 1	Zone 2	Zone 3	ALL	Large Brownfield 100	0%	0%	31%	20%	Large Greenfield 225	0%	0%	26%	16%	Large Greenfield 500	0%	0%	17%	11%	Medium Brownfield 20	2%	21%	0%	1%	Medium Brownfield 50	0%	0%	2%	1%	Medium Greenfield 130	40%	0%	4%	17%	Medium Greenfield 15	4%	17%	0%	2%	Medium Greenfield 30	37%	45%	0%	14%																																																			
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Summary of Main Issues Raised and Council Response 2

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<p>of a lower 35/30% affordable housing target. Did not include all policy requirements</p> <ul style="list-style-type: none"> 2018 - greenfield sites remain viable when subject to the additional costs at 40% <p>Concerns relate to the amended methodology and how this has resulted in CIL being acceptable with a 5-10% higher affordable housing level than previously considered viable. Does this affect the viability of the sites ?</p>		<table border="1"> <tbody> <tr> <td>Medium Greenfield 75</td> <td>15%</td> <td>0%</td> <td>0%</td> <td>5%</td> </tr> <tr> <td>Small Brownfield 10</td> <td>1%</td> <td>8%</td> <td>0%</td> <td>1%</td> </tr> <tr> <td>Small Greenfield 10</td> <td>1%</td> <td>8%</td> <td>0%</td> <td>0%</td> </tr> <tr> <td>West Harrogate 3008</td> <td>0%</td> <td>0%</td> <td>20%</td> <td>12%</td> </tr> <tr> <td>All</td> <td>100%</td> <td>100%</td> <td>100%</td> <td>100%</td> </tr> </tbody> </table>	Medium Greenfield 75	15%	0%	0%	5%	Small Brownfield 10	1%	8%	0%	1%	Small Greenfield 10	1%	8%	0%	0%	West Harrogate 3008	0%	0%	20%	12%	All	100%	100%	100%	100%
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<p>Viability Assessment needs to be updated again due to the impact of wider economic circumstances. CIL should be postponed until the extent of the economic impacts have been realised.</p>	Jukes	<p>An update is not needed. The Land Registry reports that average house prices increased from £277,686 in April 2018 to £288,432 in December 2018 (being the most recent data). This is an increase of 310,746 which is 3.9%. The Land Registry also reports that the value of a newbuild house prices increased from £332,517 in April 2018 to 3348,760 in October 2018 (being the most recent data). This is an increase of £16,243 which is 4.9%. In April 2018 the BCIS cost for Estate Housing generally was £1,107m2 92018 Viability Update, table 4.3). The most up to date figure (2nd March 2019) is £1144 m2. This is an increase of 3.3%. On average newbuild homes have increased in value a little more than construction costs over the last year. This would indicate an improvement (albeit very small) in viability.</p>																									
<p>2018 report shows an 16.59% increase in the value of homes compared to only a 13.66% increase in costs. This general assumption results in a conclusion that</p>	Barratt and David Wilson Homes	<p>The evidence about the increase in values and costs is provided to demonstrate that the findings of the 2016 Viability Assessment remain valid within the context of the policy recommendations made and the policy requirements of the Local Plan. It is therefore not proportionate to undertake a full update as part of the CIL work. The 2016 study takes account of the requirement to meet local distinctiveness criteria and concludes that the aims and objectives of the policy will be met through good design rather than addition cost to the developer. These requirements are</p>																									

2 Summary of Main Issues Raised and Council Response

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<p>as the increase in values has been more than the increase in costs the consequences will improve viability. This is not the case, many of the smaller sites in settlements are required to meet local design characteristics, which result in higher build costs.</p>		<p>normal requirements and therefore the 2016 study does not increase the construction costs over and above the BCIS base costs to reflect these.</p>
<p>The differential rate for Ripon is only identified in the 2016 Whole Plan Viability Assessment. The explanation is not set out in the DCS or the updated 2018 Local Plan Viability Update. The distinction between the areas is therefore not easily understandable or found within the CIL documentation.</p>	<p>Richborough Estates</p>	<p>The CIL Viability assessment Section 6 details the methodology the 'additional profit' analysis which is the main assessment of whether development can bear CIL or not. Tables 6.2a - 6.10b provide more detail for areas excluding Ripon and for the Ripon area. As noted in para 6.19 and 8.45 the additional profit analysis concludes that the only viable residential sites that can be considered for CIL are those greenfield sites that are not adjacent to Ripon and the small sites under 10 units. This analysis therefore justifies the different urban area boundary for Ripon.</p> <p>To aid clarity, the conclusions of the CIL Viability Assessment will be detailed in the Charging Schedule document.</p> <p>Modification : Add text with regard to the conclusions of the CIL Viability Assessment to the Charging Schedule</p>
<p>The generalisation approach to exclude sites within and adjacent to Ripon from CIL is not justified given there are very similar market areas and conditions across the Borough. To provide robust evidence on the assumptions made with respect of different rates of CIL per area, it is considered further work is required to assess new build house prices in the</p>	<p>Richborough Estates</p>	<p>The values used in the 2016 Viability Assessment and then carried forward and updated in the 2018 Viability Update are drawn from a range of data sources and confirmed through the consultation. Land Registry Price Paid data was analysed (2016 Viability Assessment - table 4.1). This is primary data that sets out the actual price paid and is comprehensive. The homes that had been sold in the Ripon area were, on average somewhat less expensive than in the Borough as a whole. This is based on a large sample so can be considered to be reliable.</p> <p>In some districts the newbuild house prices do not follow the same pattern as the wider market. This is not the case in Ripon. Land Registry Price Paid data for new build was analysed (2016 Viability Assessment - Table 4.2) and married with data from the EPC Register (2016 Viability Assessment - Table 4.3) to derive values on a £/m² basis. This confirms the same pattern. This is primary data that sets out the actual price paid and is comprehensive. The homes that had been sold in the Ripon area were, on average somewhat less expensive than in the Borough as a whole.</p>

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various areas across the Borough to get a better understanding of how CIL will impact the viability of sites.		
It is clear from the Local Plan examination that there are concerns and doubts about whether some of the sites tested will come forward and be built, not least as some sites are likely to be removed from the Plan. This raises significant concerns over whether the CIL evidence will be based on justifiable evidence moving forward and can be found sound.	Richborough Estates	Comments are noted. The approach taken is proportionate and in line with best practice. It is only logical that the new Local Plan and the new CIL are informed by the same evidence base.
There is no national definition of Strategic Sites but no rationale or robust evidence to support the threshold of 500 units. Further justification is required to demonstrate this threshold including why these sites are considered more key than the other sites (e.g the more common 'medium' sized sites) to the deliverability of the Local Plan.	Richborough Estates	<p>Whilst there is no definition of Strategic Sites in the NPPF or PPG, there is a general consensus, through the consultation that informed the preparation of the 2016 Viability assessment, that the methodology adopted was appropriate. Using the 'more common 'medium' sized sites' is not a proportionate approach. In this regard the updated PPG says:</p> <p><i>"Assessing the viability of plans does not require individual testing of every site or assurance that individual sites are viable. Plan makers can use site typologies to determine viability at the plan making stage. Assessment of samples of sites may be helpful to support evidence. In some circumstances more detailed assessment may be necessary for particular areas or key sites on which the delivery of the plan relies"</i></p> <p><i>"A typology approach is where sites are grouped by shared characteristics such as location, whether brownfield or greenfield, size of site and current and proposed use or type of development. The characteristics used to group sites should reflect the nature of sites and type of development proposed for allocation in the plan"</i></p> <p>The 'more common 'medium' sites' are well represented by the typologies.</p>

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Key Issue	Respondent	Council Response
<p>No paddock sites have been assessed so there is no viability scenarios modelled for sites of this size which are existing paddock land. Whilst understand that not every site should be tested, each scenario and type of site should however be modelled to ensure most of the sites coming forward through the Local Plan process are viable and the sites can be delivered with all the development requirements. Further modelling and testing of sites should therefore be undertaken to make the CIL Draft Charging Schedule justified and effective and in line with National Planning Policy</p>	<p>Richborough Estates</p>	<p>The typologies are a true reflection of the sites in the Local Plan and paddock sites have been assessed and are included within typologies 11 to 15.</p>
<p>To ensure the CIL rates are viable and effective, the evidence needs to support lower density schemes as well as the higher density schemes. Despite the Local Plan policy suggesting a minimum of 30 dwellings per hectare, the majority of the sites tested are based on 35dph.</p>	<p>Richborough Estates</p>	<p>It is necessary to consider this is the context of the Council's wider development assumptions. The modelling is based on a development density of about 3,000m²/ha. Most modern estate housing comes forward at about 3200m²/ha. The modelling assumptions were discussed at some length through the consultation process that informed the 2016 Viability assessment. In particular this was around the emerging requirement for 45% of new homes to be 2 bedroom homes. The Council responded to the industry concerns in this regard and adjusted the modelling (and policy wording) in light of the representations received. the development densities are at the lower end of the expected range.</p>

Summary of Main Issues Raised and Council Response 2

Key Issue	Respondent	Council Response
A viability threshold of £400,000 rather than £374,00 and a residual value of £735,000 per hectare rather than £570,000 are more realistic figures to use.	Richborough Estates	The assumptions are carried forward from the viability evidence that was used to support the emerging Local Plan. It would not be appropriate to now take a different approach. If the residual value has been understated, as suggested, viability (as measured under the NPPF and PPG) would actually be improved.
Not convinced that the case for larger brownfield sites across the District not supporting CIL has been made. The viability of CIL and related infrastructure costs should therefore be reassessed for brownfield land. Brownfield sites in other authorities are not seen to have generally higher infrastructure costs and are therefore not exempted.	Ripon Civic Society	The case for larger brownfield sites (those required to provide affordable housing) is proven in the 2016 Whole Plan Viability Assessment and the 2018 Update through the use of site modelling work. The 2016 report even states that these sites are unlikely to bear the full 40% affordable housing requirement which resulted in the reduction to 35% on brownfield sites in the emerging Local Plan. The 2018 Update Report provides evidence that when modeled at the 35% and a lower level of 30%, large brownfield sites are still not viable enough to be able to absorb CIL. Comparison with other local authorities can only be made by looking at all aspects of viability including residential values, land values, build costs as well as infrastructure provision.
To create a greater degree of certainty, the Indices should be amended for the Residential CIL rate to be either the BCIS All in Tender Price or ONS House Price Growth Index taking the lower of the two options.	Taylor Wimpey	The recent Government consultation on changes to CIL concluded that the existing approach of indexing CIL to the BCIS All-in Tender price Index be retained.
Table 4.2 gives no indication of the size of new dwellings or the potential shift to a greater number of larger dwellings which would present a false output. There is every likelihood that is the case for Harrogate	Taylor Wimpey	Table 4.2 shows the average value of newbuild properties compared to national figures which is an acceptable methodology. Local Plan policies do not advocate a potential shift towards larger dwellings rather present policies that expect a good mix in size and type. Demand in fact can be shown for the smaller houses.

2 Summary of Main Issues Raised and Council Response

Key Issue	Respondent	Council Response
and therefore new build rate increase is not a good indicator of change.		
Cost Assumptions		
20% operating profit assumption is very conservative	Bewerley Parish Council	The assumption used is in line with paragraph 10-018-20180724 of the PPG that says "For the purpose of plan making an assumption of 15-20% of GDV may be considered a suitable return to developers in order to establish the viability of plan policies. Plan makers may choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development. A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a know value and reduces risk" Bearing in mind the characteristics of the HBC housing market it is appropriate to take an assumption in the middle of the suggested range. In a weaker market it would be appropriate to use a higher figure and in a stronger market to use a lower figure. The approach taken is in line with that agreed through the consultation process that informed the preparation of the 2016 Viability Assessment.
The £2000 per dwelling assumption for S106 agreement is too high.	Jukes	It is necessary to make an assumption in this regard and whilst this may be at the top end of the expected range the approach is appropriate and in line with the generally cautious assumptions used throughout the assessment (2016 Viability Assessment, para 7.27).
The £2000 per dwelling assumption for S106 agreements is too low based on historic payments.	Richborough Estates	It is accepted that in the past these have been greater than £2000 per unit. Bearing in mind CIL Regulation 122 and 123 which restrict the use of the s106 regime it is unlikely that future contributions will be less, hence the use of the lower assumption.
Implementation of CIL		
A meaningful proportion of the CIL generated by the Stockeld development must be allocated to Wetherby Town Council to compensate for their infrastructure needs. Wetherby should also be considered to fall within the scope of the Zone 1 boundary	Better Wetherby	Whilst it is possible to pass money to bodies outside the administrative area, this application has been determined before CIL has been adopted or implemented in the Harrogate District and therefore the development will not be liable for CIL

Summary of Main Issues Raised and Council Response 2

Key Issue	Respondent	Council Response
It needs to be made clear that Community Land Trusts would not be required to pay CIL	Cllr Willoughby	Community Land Trusts do not have to pay CIL and this will be made clear in accompanying guidance produced. Modification: Add clarity with regard Community Land Trusts to the Charging Schedule
Harrogate does not have a Parish Council so will not receive the 15% Neighbourhood Fund. Therefore the revenue projection does not need to be further reduced by 15%.	Jukes	Whilst Harrogate does not have a parish council, 15% will still be allocated to Harrogate parish to be spent within the parish. Decisions on how this funding will be spent within the relevant parishes will be taken as part of the implementation phase of CIL but will be based on community consultation.
It is suggested that the Council currently operates the commuted sums policy for open space and village halls but this is not true as the contributions have not been sought since CIL legislation came into effect.	Jukes	The council still operates the commuted sums policy for open space and village halls.
Para 6.1 suggests that CIL will apply to planning permission granted before the adoption of CIL where the pre-commencement conditions have not been discharged.	O'Neils	CIL only applies to planning decisions taken after the adoption of CIL and this will be made clear in accompanying guidance.
Insufficient consideration has been given as to how to appropriately distribute CIL funds where a development takes place on the border of a planning authority, so as to ensure that the infrastructure of the	Wetherby Town Council	There is already cross boundary consultation for planning applications on the boundary and S106 payments are made to pay for necessary infrastructure requirements outside the district. Unlike S106's CIL is not site specific and does not have to be spent in the local area or to mitigate the impact of development on adjacent infrastructure. S106s will continue to be sought to for this purpose.

2 Summary of Main Issues Raised and Council Response

Key Issue	Respondent	Council Response
nearest settlement meets the needs of the new inhabitants, even if it is across a notional border.		
Zones		
It is unclear where the distinction between the zones are and also which Local Plan allocations will be subject to CIL.	Bewerley Parish Council	Agree - zone maps to be labelled more clearly in the adopted Charging Schedule to show the extent of the zones. Modification: Add clarity to the zone maps to ensure the extent for each is shown
Flat rate of £0/sqm offers no differentiation between sites within zones - deliberate ploy to encourage development by setting artificially low rate across the zones where the majority of development will take place	Cllr Lamb	The CIL is not to be used as a policy tool to encourage certain types of development over others by applying a lower or nil rate. However, differential rates can be applied to different types of development, or to different geographical areas based on the outcome of the economic viability assessment. Where it has been demonstrated that it would not be viable to apply a rate on a certain type of development, or in a particular geographical area, CIL is not charged. Government guidance states that the setting of differential rates should seek to avoid undue complexity and should not have a disproportionate impact on particular sectors or specialist forms of development. It also states that if the evidence shows that the area includes a zone, which could be a strategic site, which has low, very low or zero viability, a low or zero levy rate in that area. The same principle should apply where the evidence shows similarly low viability for particular types and/or scales of development. Importantly, the guidance states that differential rates must not be set in such a way that they constitute a notifiable state aid under European Commission regulations. A charging authority therefore must only differentiate between classes of development or areas if there is consistent economic viability evidence to justify this approach.
The three proposed zones over simplify the Borough and do not recognise the variations in delivery costs and infrastructure requirements between the proposed new settlement, much smaller sites that	Laight	Government guidance states that the setting of differential rates should seek to avoid undue complexity.

Summary of Main Issues Raised and Council Response 2

Key Issue	Respondent	Council Response
adjoining smaller settlements, rural development in well connected areas and rural development in remote parts of the AONB.		
Main urban settlements should not be grouped under Zone 2 as land and property prices vary greatly between them. The Viability Appraisal should be reviewed in order to introduce a greater sub-level analysis	Jukes	<p>CIL regulation 13 enables CIL to be set by different zones. CIL Regulation 12 sets out that zones must be marked on an Ordnance Survey map. The CIL Regulations do not currently (although this is under review) allow CIL to be charged by land use - for example brownfield/greenfield. The main differential of CIL Zone 2 is that it includes the urban areas where development is subject to the additional costs of bringing forward brownfield sites. The area around is also included as values in the area are somewhat less than in the wider Borough.</p> <p>It is also suggested that there should be a finer level of granularity with greater sub-area analysis (although no supporting evidence is provided). It is accepted that values vary from village to village and within the settlements. The factors that influence value were considered in the 2016 Viability Assessment (para 4.32). Further there is quite simply not sufficient robust evidence to support a finer grain of analysis. This was specifically considered following the consultation at the time of the preparation of the 2016 Viability Assessment (Para 4.28) when the small sample sizes were noted.</p>
Killinghall, Hampsthwaite and Pannal should fall within the Harrogate Urban Area as a significant number of S106 contributions have been sought for schools in these areas	NYCC	The extent of the Zones are based on evidence in the form of the CIL Viability Assessment. It assesses the impact of introducing CIL in the context of meeting all the Council's other policy requirements and uses evidence such as local house prices and non-residential values, local development costs and assumptions about the availability of development finance, developer's profits and the general characteristics of development in Harrogate Borough area.
Evidence, justification and transparency on the zone boundaries is not sound. The consultation has not been clear and misinformed developers with regard to what is classed as Zone 2 'urban areas'. The	Richborough Estates	<p>The CIL Viability Assessment concludes that the only viable residential sites that can be considered for CIL are those greenfield sites that are not adjacent to Ripon and the small sites. Brownfield sites (over 10 units) in any location do not have capacity to bear CIL.</p> <p>CIL regulation 13 enables CIL to be set by different zones. CIL Regulation 12 sets out that zones must be marked on an Ordnance Survey map. The CIL Regulations do not currently (although this is under review) allow CIL to be charged by land use - for example brownfield/greenfield. The main differential of CIL Zone 2 is that it includes the urban areas where development is subject to the</p>

2 Summary of Main Issues Raised and Council Response

Key Issue	Respondent	Council Response
<p>zone boundary for Zone 2 drawn around Harrogate Town is predominantly tight around existing development whereas in Knaresborough the boundaries are more loosely drawn.</p>		<p>additional costs of bringing forward brownfield sites. The area around is also included as values in the area are somewhat less than in the wider Borough.</p> <p>The Zone 2 boundaries have therefore been drawn tight around the existing urban areas due to greenfield sites adjacent to the urban areas being viable for CIL liability.</p> <p>The Knaresborough urban area map reflects the existing development area as well as a number of sites to the north of the town (off Boroughbridge Road) where development is under construction but not yet shown on the map.</p>
<p>Ripon Barracks is included in Zone 2 but being the most important development site in the City, should be expected to produce CIL and its accompanying neighbourhood share.</p>	<p>Ripon Civic Society</p>	<p>Whilst Ripon Barracks is the largest site in the City, it is classed as a strategic site due to its size and the level of infrastructure, affordable housing and mitigation measures expected to be delivered. The CIL Viability Assessment states that when these requirements are factored in, the sites do not have a capacity to bear CIL. This approach applies to all the strategic sites across the district, not just Ripon Barracks. Whilst the site will not generate CIL there will be significant community benefits generated from the significant level of infrastructure to be provided.</p> <p>Agree that the inclusion of the site within the Zone 2 map is confusing as the site is classed as a Zone 3 site. Ripon Zone 2 map to be redrawn in the adopted Charging Schedule to exclude Ripon Barracks site.</p> <p>Modification: Amend boundary of Ripon Zone 2 map to exclude the Ripon Barracks site</p>
<p>Ripon Zone boundary extends further out than those for the other urban areas. There is no justification for this</p>	<p>Ripon Civic Society</p>	<p>The basic principle of CIL is that where it is economically viable to do so, development should be charged. The CIL Viability Assessment includes an 'additional profit' calculation which establishes the amount of profit over and above the normal profit having purchased the land, developed the site and sold the units (including providing any affordable housing that is required and meeting other policy requirements). This analysis shows that:</p> <ul style="list-style-type: none"> ● small sites (less than 10 units) have capacity to bear CIL on greenfield and brownfield ● the greenfield sites (more than 10 units) within and adjacent to the Ripon area do not have capacity to bear CIL ● the greenfield sites (more than 10 units) that are not adjacent to Ripon do have a significant capacity to bear CIL <p>The additional profit analysis therefore concludes that the only viable residential sites that can be considered for CIL are those greenfield sites that are not adjacent to Ripon and the small sites. This analysis therefore justifies the different urban area boundary for Ripon.</p>

Summary of Main Issues Raised and Council Response 2

Key Issue	Respondent	Council Response
Specialist Older peoples Housing		
The delivery of sheltered housing will be prejudiced if CIL is charged so the charging rate for purpose designed housing for older people should be set at £0 per square metre.	Alyn Nicholls	The Viability Assessment considers the specific costs associated with sheltered housing as well as the local situation and economies of development in Harrogate Borough and concludes that CIL could be charged on sheltered housing without compromising the delivery of it or the objectives of the Local Plan.
The higher construction costs associated with the specialist older peoples housing sector have not been taken into account.	Laight	The costs have been taken into account. The appropriate BCIS based construction costs are used. The cost for Sheltered Housing is £1,186m2 and Extracare is £1,294m2. These figures are substantially higher than the assumptions for mainstream housing where the figure of £974m2 (Estate Housing Generally) is used.
Development types should be defined by planning use class to limit the potential for misinterpretation and disagreement. Definition of Sheltered Housing/Extra care Housing should be amended to provide greater clarity, particularly as the viability evidence indicates that there is scope for CIL within the sheltered sector but not extra care.	Laight Alyn Nicholls/NYCC	The 2018 Viability assessment concludes that there is scope for CIL in the Sheltered sector but not in the Extracare sector. It is accepted that there are a wide range of products in the sector, rather than simply the Sheltered Housing and Extra Care Housing tested, so there is a grey area as to when a scheme moves from Sheltered Housing to Extracare. The 2016 Viability Assessment para 4.76 states that ' <i>Sheltered or retirement housing is self-contained housing, normally developed as flats and other relatively small units. Where these schemes are brought forward by the private sector there are normally warden services and occasionally non-care support services (laundry, cleaning etc) but not care services. Extracare housing is sometimes referred to as very sheltered housing or housing with care. It is self-contained housing that has been specifically designed to suit people with long-term conditions or disabilities that make living in their own home difficult, but who do not want to move into a residential care home.</i> ' As there is not a specific use class that covers this definition, the assessment of the type of scheme will be a matter of assessment at the development management stage. The definition of Sheltered Housing in the Charging Schedule therefore will be changed from ' <i>Sheltered Housing : residential accommodation which includes an element of care within Use Class C2</i> ' to reflect the one stated above from the 2016 Whole Plan Viability Assessment. Modification: Amend definition of 'Sheltered Housing' in the charging schedule table
Employment		

2 Summary of Main Issues Raised and Council Response

Key Issue	Respondent	Council Response
Lack of clarity about what is actually subject to the distribution charge - is it B8 or any development that has an element of distribution ?	Jukes	Definition to be provided as a table note to the charging schedule to state 'Storage, Distribution , trade or wholesale warehouse Modification: Add definition of 'Distribution' to the charging schedule table.
Concern over the derivation of the Distribution rate	Jukes	Table 6.10a of the 2018 Viability Update sets out the results of the appraisals. This indicates an Additional profit of £80/m ² , being the amount from which CIL can be paid. At a CIL rate of £20m ² the Residual Value exceeds the Viability Threshold by a substantial margin. This rate would be about 15% of land value and less than 2% of GDV. If a higher rate of £40m ² was charged, then CIL would be more than 20% of land value so would not be appropriate.
The 'Distribution' rate should not be applied consistently across the district but in zones. The approach appears to ignore how the value of employment land varies across the district, just as residential values do.	Jukes	The 2018 Update report does not recommend the variation in values across the district. It concludes that CIL up to £60m ² would be viable therefore a £20m ² rate provides an appropriate viability cushion to take into account changes in values across the district. The report also acknowledges that future distribution development is more likely to come forward on greenfield sites where build costs are lower.
CIL Rates		
Levy is unbalanced and falls unduly on the commercial sector. It is unreasonable to exempt many categories of housing and put such a large levy instead on retail and office development.	Estate Consultations Ltd	No viability evidence is submitted to support the assertion. It is important to note that rates of CIL must be informed by the viability evidence and it would not be safe (or within the CIL Regulations and Guidance) to use CIL as a policy tool to encourage or deter development. Office development is not liable for CIL and bearing in mind the nature of the main town centres and that CIL only applies to new development, the redevelopment of central sites for retail is unlikely to be liable for it either.
Most new development in Ripon is excluded from CIL and therefore there will be very little money for Ripon. Especially	Ripon Civic Society	The basic principle of CIL is that where it is economically viable to do so, development should be charged. The CIL Viability Assessment includes an 'additional profit' calculation which establishes the amount of profit over and above the normal profit having purchased the land, developed the site and sold the units (including providing any affordable housing that is required and meeting other policy requirements). This analysis shows that:

Summary of Main Issues Raised and Council Response 2

Key Issue	Respondent	Council Response
disappointing since Ripon now has a Neighbourhood Plan and will miss the 25% Neighbourhood Fund.		<ul style="list-style-type: none"> small sites (less than 10 units) have capacity to bear CIL on greenfield and brownfield the greenfield sites (more than 10 units) within and adjacent to the Ripon area do not have capacity to bear CIL the greenfield sites (more than 10 units) that are not adjacent to Ripon do have a significant capacity to bear CIL <p>The additional profit analysis therefore concludes that the only viable residential sites that can be considered for CIL are those greenfield sites that are not adjacent to Ripon and the small sites. This analysis therefore justifies the urban area boundary for Ripon and the CIL rate.</p> <p>There will still be opportunities for CIL to be charged for development within Ripon under 10 units.</p>
Funding Gap		
Funding gap is likely to be much smaller than identified as insufficient weight has been given to the public funding opportunities available	Jukes	The funding gap identified reflects information known at the time of developing the schedule. In order to introduce CIL, Harrogate Borough Council must demonstrate that there is a funding gap between the expected total cost of infrastructure and the level of funding likely to be forthcoming from other sources. Whilst there may be public funding opportunities, a funding gap will still remain which justifies the introduction of CIL.
Reg 123		
The Reg 123 list is insufficiently specific regarding the infrastructure to be delivered by CIL and does not accommodate any site specific agreements that could apply to the proposed new settlement where the developer may undertake directly fund and/or deliver the infrastructure necessary for a new settlement.		Whilst the new settlement would not be subject to CIL because it is a strategic site, CIL money could still be spent on infrastructure required in line with the Reg 123 list. The list is generic to provide flexibility but does cover all areas of infrastructure that is expected to be needed throughout the district. The updated CIL Regulations that are expected to come into force on the 1st September 2019 are expected to remove the requirement for Reg 123 lists. The adopted Charging Schedule therefore is not likely to have a Reg 123 list. Priorities for spending CIL will be developed as part of the implementation phase of CIL.
Village halls are not necessary infrastructure. Parish Councils	Jukes	There is no specific reference to village halls within the Reg 123 list however village halls are classed as social infrastructure under the 'community, cultural and leisure facilities' and it is acceptable for them to be included on the Reg 123 list. The Council presently

2 Summary of Main Issues Raised and Council Response

Key Issue	Respondent	Council Response
should use their receipts to build them. They should be removed from the list and taken out of the calculations.		collect commuted sums towards them and this will continue through S106s if provision linked to a specific development or through CIL if not. Parish Councils can use their receipts to provide or enhance them however not all parish councils will receive CIL through the Neighbourhood Fund. The updated CIL Regulations that are expected to come into force on the 1st September 2019 are expected to remove the requirement for Reg 123 lists. The adopted Charging Schedule therefore is not likely to have a Reg 123 list. Priorities for spending CIL will be developed as part of the implementation phase of CIL.
Terminology of the Planning Act 2008 should be used as no requirement to use different terms when section 216 quite succinctly provides a liable for each type of infrastructure.	Jukes	The list of infrastructure in section 216 is not locally specific and too generic. The updated CIL Regulations that are expected to come into force on the 1st September 2019 are expected to remove the requirement for Reg 123 lists. The adopted Charging Schedule therefore is not likely to have a Reg 123 list. Priorities for spending CIL will be developed as part of the implementation phase of CIL.
Question why the list is so general and does not mention specific projects.	Jukes	There is not a requirement for Reg 123 lists to be specific and being more generic, it provides flexibility. It does however cover all the areas of infrastructure that would be expected to be needed across the district. Also, by providing information on exclusions, it gives details about what would be covered by S106s. The updated CIL Regulations that are expected to come into force on the 1st September 2019 are expected to remove the requirement for Reg 123 lists. The adopted Charging Schedule therefore is not likely to have a Reg 123 list. Priorities for spending CIL will be developed as part of the implementation phase of CIL.
Allotments should be included under the 'community, cultural and leisure facilities'	Jukes	The Reg 123 list is generic and specific infrastructure elements are not listed under the 'Community, cultural and leisure' heading. It is therefore not necessary to specifically mention allotments as they would be included within the existing scope. The updated CIL Regulations that are expected to come into force on the 1st September 2019 are expected to remove the requirement for Reg 123 lists. The adopted Charging Schedule therefore is not likely to have a Reg 123 list. Priorities for spending CIL will be developed as part of the implementation phase of CIL.
There should be reference to strategic improvements to the rail network	Network Rail	Agree, this will be added under the list of transport schemes. The updated CIL Regulations that are expected to come into force on the 1st September 2019 are expected to remove the requirement for Reg 123 lists. The adopted Charging Schedule therefore is not likely to have a Reg 123 list. Priorities for spending CIL will be developed as part of the implementation phase of CIL. Modification: Add 'Strategic Improvements to the rail network' to the list of transport schemes

Summary of Main Issues Raised and Council Response 2

Key Issue	Respondent	Council Response
<p>Clarity is sought on the wording of the provision. Where a residential development site is of a size to warrant an increased provision at the local primary school but not big enough to warrant a new school, the provision for that development's needs will be provided off site. It is important that S106 contributions could be sought to fund that increased provision. The exclusion column of the Reg 123 list should be amended so that it refers to 'Provision necessary to make the development acceptable in planning terms. under Education.</p>	<p>NYCC</p>	<p>Agree, the exclusion column will be amended so that it merely states 'Provision necessary to make the development acceptable in planning terms'. The updated CIL Regulations that are expected to come into force on the 1st September 2019 are expected to remove the requirement for Reg 123 lists. The adopted Charging Schedule therefore is not likely to have a Reg 123 list. Priorities for spending CIL will be developed as part of the implementation phase of CIL.</p> <p>Modification: Amend the exclusion column to state 'Provision necessary to make the development acceptable in planning terms'</p>
<p>'Secondary schools/extensions arising from site specific development needs' should be added to the list under 'Continuing role for Planning Obligations'.</p>	<p>NYCC</p>	<p>Secondary schools/extensions are already included. The updated CIL Regulations that are expected to come into force on the 1st September 2019 are expected to remove the requirement for Reg 123 lists. The adopted Charging Schedule therefore is not likely to have a Reg 123 list. Priorities for spending CIL will be developed as part of the implementation phase of CIL.</p>
<p>Unclear what infrastructure within the IDP will actually be delivered by CIL as the wording is vague in the Reg 123 list - provides no clarity for developers or landowners.</p>	<p>Richborough Estates</p>	<p>The updated CIL Regulations that are expected to come into force on the 1st September 2019 are expected to remove the requirement for Reg 123 lists. The adopted Charging Schedule therefore is not likely to have a Reg 123 list. Priorities for spending CIL will be developed as part of the implementation phase of CIL.</p>

2 Summary of Main Issues Raised and Council Response

Key Issue	Respondent	Council Response
On sites where the CIL does apply, there is suggestion that such sites would also be exposed to a S106 of up to £2000/plot in addition to CIL. Currently it is unclear what such elements may be and therefore greater clarification would be appreciated.	Taylor Wimpey	As a starting point, the Whole Plan Viability Assessment 2016 assumed, that all the modelled sites will contribute £2,000 per unit towards infrastructure – either site specific or more general. In the analysis in relation to CIL it is assumed that a s106 payment of £2,000 per unit will continue after the adoption of CIL. The CIL viability assessment concluded that viability would still be maintained with a £2000 figure and CIL although it is not advocating the £2000 will be expected from every development. The figure could increase or decrease. The £2000 covers the cost of those elements necessary to make the development acceptable in planning terms (S106).
Funding Gap		
No evidence to show what sites make up the 1765 dwellings stated in Appendix 2 that could generate £8.8m in CIL funding. It is not clear that the number of units highlighted above is consistent with all sites in Zone 1. Clarification needs to be set out to provide the evidence required to understand the extent of the infrastructure funding gap. Need to update with regard to the information from the Local Plan Examination.	Richborough Estates	The figure of 1765 is based on those allocations within the plan that would be liable to CIL (using the Zones in the Draft Charging Schedule). This is stated within the 'CIL Revenue Projections' text.
No evidence to show if the whole of the 5% of administration monies is required by the Council and how it will be spent	Richborough	It is not a requirement of the Charging Schedule to show how the 5% admin contribution will be spent. The deduction of 5% is in line with what the CIL regulations allow.
Installments Policy		

Summary of Main Issues Raised and Council Response 2

Key Issue	Respondent	Council Response
<p>The policy should not front load the installed payments as this adds to the initial costs of development which in turn increases the amount of interest paid in relation to the borrowed sum of money. No legislative requirement for the installments to be paid on or close to commencement of development so cannot see how front loading is justified.</p>	<p>Jukes</p>	<p>The installment policy has been amended.</p> <p>Modification: Amend the Draft Instalment Policy</p>
Strategic Sites		
<p>CIL is absent of any advice on strategic sites (e.g K25). While it states that K25 is zero rated, the implication it is linked to S106 on strategic infrastructure is not yet costed. As such, K25 is totally exposed to 40% affordable housing provision and uncertain S106 costs. Greater advice on specific strategic sites would help to add clarity to this situation and give developers a greater understanding of the CIL/S106 costs related to strategic sites</p>	<p>Taylor Wimpey</p>	<p>The CIL Viability Assessment states that strategic sites such as K25 would not be liable for CIL due to the level of infrastructure and mitigation measures required to make a scheme acceptable. The Whole Plan Viability Assessment 2016 examined the impact of the 40% affordable housing target as well other policy requirements and concluded that the plan including the allocations were viable. Specific infrastructure requirements for K25 are found in the Infrastructure Delivery Plan and negotiation on the extent of S106 provision will form part of the application process. As noted, there will be no CIL costs.</p>
Other		

2 Summary of Main Issues Raised and Council Response

Key Issue	Respondent	Council Response
Council must build in flexibility to the DCS to allow the Council to monitor the local effects of CIL in its first years of adoption and operation. Wording should therefore be added to the Draft Charging Schedule to allow for an Adjustment Period.	Richborough Estates	Monitoring will be undertaken however the DCS is based on robust evidence and therefore there is not need to build in an Adjustment period. The Viability evidence will be reviewed as part of the Local Plan Review process.

Table 2.2 Key Issues Raised

Other Modifications to the Draft Charging Schedule

2.3 Whilst the representations submitted to the Draft Charging Schedule consultation have resulted in a number of modifications (as shown in the key issues table), a number of other modifications have been made to the Draft Charging Schedule as shown below:

Part of DCS	Modification
Introduction - paragraphs 1.2 and 1.3	Update information to refer to the Draft Charging Schedule consultation rather than the Preliminary Draft Charging Schedule Consultation
Evidence to support the CIL - paragraph 5.2 and 5.3	Update information regarding the Local Plan housing and employment land requirement to reflect modifications made to Harrogate District Local Plan as examined in Jan 2019 Update reference to the Local Plan Examination
Relationship between CIL and Planning Obligations - paragraph 8.1 and 8.3	Update to refer to the Draft CIL Regulations due to come into force on 1st September 2019
Next Steps - paragraph 13.1	Removal of this section
Your Views - paragraphs 14.1 - 14.5	Removal of this section
Appendix 2 Infrastructure Funding Gap, CIL Revenue Projections	Update information to reflect Local Plan allocation numbers and associated revenue projections.

Table 2.3

3 Appendices

3 Appendices

Appendix 1 : Statement of Representation Procedure



Harrogate
BOROUGH COUNCIL



STATEMENT OF REPRESENTATION PROCEDURE AND AVAILABILITY OF DOCUMENTS

HARROGATE BOROUGH COUNCIL CONSULTATION ON COMMUNITY INFRASTRUCTURE LEVY : DRAFT CHARGING SCHEDULE UNDER THE COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (as amended)

Title of Document

Community Infrastructure Levy : Draft Charging Schedule January 2019

Subject Matter and Area Covered

Harrogate Borough Council has prepared the Community Infrastructure Levy : Draft Charging Schedule Local Plan for consultation. The Community Infrastructure Levy (CIL) is a tariff based charge that is levied on new development and is used to assist in the funding of new infrastructure. The CIL rates which are set by Harrogate Borough Council (as the charging authority) have to be based on an economic viability assessment to ensure that they are appropriate and do not threaten the delivery of the local plan. The Draft Charging Schedule sets out the CIL rates as well as providing an explanation of CIL and the process that is required to introduce it.

Period of Publication for Representations

Representations are invited on the Draft Charging Schedule for a period of 6 weeks, from Friday 11 January 2019 and ending at 4.30pm on Friday 22 February 2019. This statement provides details on how to make representations.

Statement of fact – How to view the documents

During this public representations period, copies of the Draft Charging Schedule and other supporting documents listed below will be available to view on the council's consultation portal at <https://consult.harrogate.gov.uk> and will also be available for inspection at the following locations:

- Civic Centre, St Luke's Mount, Harrogate, HG1 2AE. Opening hours 8.30am to 5.00pm Monday to Thursdays and 8.30am to 4.30pm on Fridays
- Knaresborough House, High Street, Knaresborough, HG5 0HW. Opening hours 9.00am to 12.30pm Monday to Friday
- Ripon Town Hall, Market Place South, Ripon, HG4 1DD. Opening hours 8.30am to 4.45pm Monday to Thursday and 8.30am to 4.15pm on Fridays
- Libraries throughout the district. Opening hours for these libraries can be viewed at <https://www.northyorks.gov.uk/local-libraries>

Documents which are available to view are:

- Community Infrastructure Levy : Draft Charging Schedule (January 2019)
- Preliminary Draft Charging Schedule : Key Issues (January 2019)
- CIL Viability Assessment (May 2018)
- Planning Obligations Evidence Tables (May 2018)

Representations

Representations on the plan can be made throughout the representation period but must be made before 4.30pm on Friday 22nd February 2019. Please note that late representations cannot be accepted.

To help you present your comments in the best way we have produced a comment form. This is available to complete on line using the planning policy consultation portal at <https://consult.harrogate.gov.uk>. The form also gives the opportunity to state whether you want to be heard at the Examination and asks if you want to be notified about the submission of the Draft Charging Schedule, the publication of the recommendations of the examiner and the approval of the schedule.

Alternatively you can download or collect a comment form, (from the locations listed above), and return it to us at Planning Policy, Harrogate Borough Council, PO Box 787, Harrogate, HG1 9RW or email planningpolicy@harrogate.gov.uk. All representations should include your name and postal address.

All individual representations received will be submitted to the Secretary of State together with a summary of the main issues raised during the representations period and considered as part of a public examination by an independent Planning Inspector.

Please note that all comments received will be available to view on the Harrogate Borough Council Website.

For further details, please contact the Planning Policy Team on **01423 556586** or email planningpolicy@harrogate.gov.uk



Representations must be received by 4.30pm on Friday 22 February 2019.
Representations received after this time will not be considered duly made.

3 Appendices

Appendix 2 - Public Notices - Preliminary Draft Charging Schedule and Draft Charging Schedule



HARROGATE BOROUGH COUNCIL PUBLIC NOTICE
Consultation on Community Infrastructure Levy : Preliminary Draft Charging Schedule for Harrogate Borough Council under The Community Infrastructure Levy Regulations 2010 (as amended).

Harrogate Borough Council hereby gives notice of consultation on the Harrogate District Community Infrastructure Levy Preliminary Draft Charging Schedule under The Community Infrastructure Regulations 2010 (as amended).

The Community Infrastructure Levy (CIL) is a tariff based charge that is levied on new development and is used to assist in the funding of new infrastructure. The CIL rates which are set by Harrogate Borough Council (as the charging authority) have to be based on an economic viability assessment to ensure that they are appropriate and do not threaten the delivery of the local plan.

The Preliminary Draft Charging Schedule sets out the CIL rates as well as providing an explanation of CIL and the process that is required to introduce it.

The consultation runs from Friday 25 May 2018 to 4.30pm on Friday 6 July 2018

Documents can be viewed at:

- on the Planning Policy Consultation Portal: <https://consult.harrogate.gov.uk/portal/>
- on the Borough Council's website: <https://www.harrogate.gov.uk>
- The Customer Service Centre, Civic Centre, St Luke's Avenue, Harrogate HG1 2AE
- Knaresborough House, High Street, Knaresborough, HG5 0HW
- Ripon Town Hall, Market Place South, Ripon, HG4 1DD
- Libraries throughout the district

How to make representations: To help you present your comments in the best way we have produced a comment form. This is available to complete on line using the planning policy consultation portal at <https://consult.harrogate.gov.uk>. You can also download and complete an electronic version of the form at <https://www.harrogate.gov.uk> and return it to us at Planning Policy, Harrogate Borough Council, PO Box 787, Harrogate, HG1 9RW or email planningpolicy@harrogate.gov.uk Paper copies are also available at the locations above. All representations should include your name and postal address.

Deadline for submitting representations is 4:30pm on Friday 6 July 2018.

If you have any queries please contact the Planning Policy Team on 01423 556586 or email planningpolicy@harrogate.gov.uk

PLEASE NOTE: ALL COMMENTS RECEIVED WILL BE AVAILABLE TO VIEW ON THE HARROGATE BOROUGH COUNCIL WEBSITE

3 Appendices



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The Draft Charging Schedule sets out the CIL rates as well as providing an explanation of CIL and the process that is required to introduce it.

The consultation runs from Friday 11 January 2019 to 4.30pm on Friday 22 February 2019

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Deadline for submitting representations is **4:30pm on Friday 22 February 2019**. If you have any queries please contact the Planning Policy Team on 01423 556586 or email planningpolicy@harrogate.gov.uk

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