

Comment

Consultee	Mr Simon Tucker (1119998)
Email Address	[REDACTED]
Company / Organisation	Canal & River Trust
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Community Infrastructure Levy : Draft Charging Schedule
Comment by	Canal & River Trust (Mr Simon Tucker - 1119998)
Comment ID	DCS1
Response Date	16/01/19 11:07
Consultation Point	Appendix 5 Draft Regulation 123 Statement (View)
Status	Processed
Submission Type	Web
Version	0.1

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

The Canal & River Trust (the Trust) is the guardian for the Ripon Canal, which runs for 2 miles to the south of Ripon within the borough. The Trust promotes the canal as a wildlife corridor, heritage asset, as a route for sustainable transport (including walking and cycling), and as a resource for low cost/free leisure and recreation (both on water and on the towpath).

At the pre-consultation stage, we did raise a concern that the Trust do view the process of developer contributions through s.106 agreement as an important tool for seeking the mitigation of impacts of development on our waterway network and adjacent towpaths. As a result, we were concerned that, without clear clarification on the regulation 123 list, works necessary to mitigate the impact of development could be subsumed within the broad Transport Schemes and Green Infrastructure categories in the Draft Regulation 123 List.

We therefore **welcome** amendments to the draft list, which fully clarify that s106 contributions for provisions necessary to make the development acceptable in planning terms are exclusions not intended to be wholly or partly funded by CIL with regards to Green Infrastructure and Transport

provisions. We believe that this is essential in order to allow for the effective management of off-site impacts from development.

The Local Authority may, however, wish to consider whether the definitions of Green Infrastructure in the draft regulation 123 list require further clarification within explanatory supporting text. Although the Green Infrastructure Supplementary Planning Document (2014) is referred to, it does provide a very broad definition of Green Infrastructure assets in the authority. As such, the council may wish to provide more clarity as to their key priorities for Green Infrastructure investment that would benefit from CIL contributions, in order to provide more clarity for decision makers.

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

- . I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- . I would like to be notified of the publication of the recommendations of the Examiner and reasons for those recommendations
- . I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comment

Consultee Mr Norman Waller (1114802)

Email Address [REDACTED]

Address [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by Mr Norman Waller (1114802)

Comment ID DCS2

Response Date 05/02/19 14:14

Consultation Point Community Infrastructure Levy : Draft Charging Schedule ([View](#))

Status Processed

Submission Type Web

Version 0.1

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: Support

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: Support

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: Support

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one: Support

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one: Support

Question 6

Do you support the Council's draft instalments policy?

Please tick one: Support

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: Support

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes: I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comment

Consultee Mr Alan Connell (1199068)
Email Address [REDACTED]
Address [REDACTED]
Event Name Community Infrastructure Levy : Draft Charging Schedule
Comment by Mr Alan Connell (1199068)
Comment ID DCS3
Response Date 07/02/19 15:39
Consultation Point Appendix 5 Draft Regulation 123 Statement ([View](#))
Status Processed
Submission Type Web
Version 0.1

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: Object

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

The list is generally acceptable but I think it could be more specific about what "community, cultural and leisure facilities" might include. I would like them to include allotment sites but that is not currently specified.

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

- I would like to be notified of the publication of the recommendations of the Examiner and reasons for those recommendations
- I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comment

Consultee Mrs Susan Welch (896672)

Email Address [REDACTED]

Address [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by Mrs Susan Welch (896672)

Comment ID DCS4

Response Date 15/02/19 18:20

Consultation Point 5 Evidence to support the CIL ([View](#))

Status Processed

Submission Type Web

Version 0.1

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: Support

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

- I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- I would like to be notified of the publication of the recommendations of the Examiner and reasons for those recommendations
- I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comment

Consultee	Mrs Susan Welch (896672)
Email Address	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Community Infrastructure Levy : Draft Charging Schedule
Comment by	Mrs Susan Welch (896672)
Comment ID	DCS5
Response Date	15/02/19 18:30
Consultation Point	14 Your views (View)
Status	Processed
Submission Type	Web
Version	0.1

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

I have only been able to add comments to Q1 and now Q8...

Other points I would like to have made against each page....

6.2 It is good that payment of CIL will be due at the time planning permission is received. The share going to the Neighbourhood Fund should then also be released

8.3 Agree that Reg 123 list should be more transparent and not so precise. It is sensible to allow some joint use of CIL funds and S106 agreements for same infrastructure

9.3 5% allowance for administration - for what is basically a Local Authority function seems high.

10. Neighbourhood Funds. Sensible to allow Parish Councils flexibility in using the CIL money. I would like to see more clarity on how S106 agreements will continue to be used and how Parish Councils could perhaps utilise funds from both to deal with a large project.

11. Reporting is sensible and necessary. It is noted that HBC will provide full information to PCs on the new regime

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

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- . I would like to be notified of the publication of the recommendations of the Examiner and reasons for those recommendations
- . I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comment

Consultee Mrs Susan Welch (896672)
Email Address [REDACTED]
Address [REDACTED]
Event Name Community Infrastructure Levy : Draft Charging Schedule
Comment by Mrs Susan Welch (896672)
Comment ID DCS6
Response Date 15/02/19 18:33
Consultation Point Appendix 1 The Draft Charging Schedule ([View](#))
Status Processed
Submission Type Web
Version 0.1

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: Support

Please suggest alternative rates (if relevant and provide reasons for your answer):

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Sensible to charge CIL on most development - though not clear why areas of e.g. Pateley Bridge and Knaresborough are at zero rate. Are Section 106 agreements to be used in these areas?

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Not sure why the boundaries are set as they are

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one:

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one:

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

- . I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- . I would like to be notified of the publication of the recommendations of the Examiner and reasons for those recommendations
- . I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comment

Consultee Mrs Susan Welch (896672)

Email Address [REDACTED]

Address [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by Mrs Susan Welch (896672)

Comment ID DCS7

Response Date 15/02/19 18:37

Consultation Point Appendix 5 Draft Regulation 123 Statement ([View](#))

Status Processed

Submission Type Web

Version 0.2

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: Support

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Very sensible to remove the ban on pooling more than 5 inputs from Section 106 agreements to fund one infrastructure. The current ruling re Village Hall assistance is very unfair, as one Hall that has received five payments of e.g. £1000 can no longer be helped, whereas another that has received maybe 3 x £20,000 can still receive more. It is hoped that the draft regulations can be laid before Parliament and stop this anomaly as soon as possible.

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

- I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- I would like to be notified of the publication of the recommendations of the Examiner and reasons for those recommendations

- . I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comment

Consultee	Mr Ian Laight (1117828)
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Community Infrastructure Levy : Draft Charging Schedule
Comment by	Mr Ian Laight (1117828)
Comment ID	DCS8
Response Date	20/02/19 10:08
Consultation Point	Community Infrastructure Levy : Draft Charging Schedule (View)
Status	Processed
Submission Type	Web
Version	0.1

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: Object

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

The majority of purpose-built housing for older people and other people with care and support needs incurs higher than normal construction costs and additional operating costs when compared to general needs housing, without necessarily being able to offset these higher costs with additional revenue.

The Local Plan Viability Update and CIL Viability Assessment dated January 2019, and the preceding CIL Viability Assessment, are insufficiently transparent and fail to state the assumed construction costs, operating costs and revenue assumptions for Sheltered Housing and Extra Care housing schemes.

The Council's Community Infrastructure Levy: Preliminary Draft Charging Schedule Key Issues document does quote a construction cost in isolation but there remains a lack of evidence that the viability

appraisals prepared to support the proposed CIL rates have fully allowed for the cost premiums involved in providing housing for people with care and support needs.

The consultation document sets out that the regulations provide for a number of exemptions to CIL against which the level will not be charged. In particular, the report identifies that affordable housing (defined as social rented and intermediate housing) provided through a local housing authority, registered provider or charitable body will be exempt from CIL.

Whilst our Client supports this position, it is noted that Extra Care schemes can also be delivered by 'for profit' entities, consortiums of both charities and 'for profit' partners, and 'for profit' subsidiaries of charitable organisations. Therefore, the exemption set out within the schedule should be widened to include all new Extra Care schemes (including any private sector led equivalent that achieves the same level of functionality, e.g. Assisted Living schemes) in order to avoid adversely affecting the delivery of new housing for older people and other people with care needs.

In addition, we maintain that the development types listed in section 8.56 of the Local Plan Viability Update and CIL Viability Assessment dated January 2019 should be defined by planning use classes to limit the potential for misinterpretation and disagreement between the Council and developers during the implementation of CIL.

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: . Object

Please suggest alternative rates (if relevant and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

As stated in the response to question 1, we maintain that the assumptions in the Local Plan Viability Update and CIL Viability Assessment dated January 2019 are not set out in sufficient detail to explain and justify the proposed CIL rates.

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: . Object

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

The three proposed zones proposed in section 8.57 of the Local Plan Viability Update and CIL Viability Assessment dated January 2019 over simplify the Borough as they do not recognise the variations in delivery costs and infrastructure requirements between:

- a. The proposed new settlement at Green Hammerton/Cattal and much smaller sites which adjoin existing settlements
- b. Rural development in well connected areas and rural development in remote parts of the AONB.

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one: . Object

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

As stated in the response to question 1, we maintain that the development types listed in section 8.56 of the Local Plan Viability Update and CIL Viability Assessment dated January 2019 should be defined by planning use classes to limit the potential for misinterpretation and disagreement between the Council and developers during the implementation of CIL.

As stated in our response to question 2, we maintain that the proposed zones are an over simplification of the differing economic characteristics across the Borough.

In particular, we are concerned that the proposed CIL rates will provide an economic advantage to certain types of non residential development, e.g. car showrooms, and non residential development adjoining the A1(M), while disadvantaging schemes in the AONB.

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one: Support Object

Please provide reasons for your answer:

Please be as precise as possible (continue on a separate A4 sheet(s) if necessary)

As stated in the response to questions 1 and 5, we maintain that the development types listed in section 8.56 of the Local Plan Viability Update and CIL Viability Assessment dated January 2019 should be defined by planning use classes to limit the potential for misinterpretation and disagreement between the Council and developers during the implementation of CIL.

The use of a single zone for the majority of the Borough (zone 1) and an 'all other development' category fails to recognise the differing economic characteristics across the Borough.

Question 6

Do you support the Council's draft instalments policy?

Please tick one: Support Object

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: Support Object

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

We object to the draft Regulation 123 list as it:

- a. Is insufficiently specific regarding the infrastructure intended to be delivered by CIL
- b. Does not accommodate any site specific agreements that could apply to the proposed new settlement at Green Hammerton/Cattal where the developer may undertake directly fund &/or deliver the infrastructure necessary for a new settlement - instead of relying on HBC, NYCC or others to do so.

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

- . I would like to be heard by the Examiner at the Examination
- . I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- . I would like to be notified of the publication of the recommendations of the Examiner and reasons for those recommendations
- . I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comment

Agent Mrs Jane Marlow (1200273)

Email Address [REDACTED]

Company / Organisation Pannal and Burn Bridge Parish Council

Address [REDACTED]
[REDACTED]
[REDACTED]

Consultee (1200284)

Company / Organisation Pannal and Burn Bridge Parish Council

Address [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by Pannal and Burn Bridge Parish Council (- 1200284)

Comment ID DCS9

Response Date 21/02/19 17:28

Consultation Point Community Infrastructure Levy : Draft Charging Schedule ([View](#))

Status Processed

Submission Type Web

Version 0.1

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

We appreciate setting the optimum rate is a balancing act with little to use as evidence or guidelines, as each town or city or borough council's situation will be very different. In recognising the CIL formula as being: CIL rate x net additional new build floorspace x inflation measure - one has to be really sure of the most important variable - the new floorspace.

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one:

Please suggest alternative rates (if relevant and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Dependent on The Size of an Existing Building Programme:

The existing Local Plan programme includes a -0+30% flexibility factor when something of the order of -0+10 to 15% is considered more than adequate. Hence any levy needed to meet the cost of additional infrastructure should be based on the OAN figure (already based on higher than required figures from HEDNA) before any contingencies / flexibility factors are added. Has HBC related the envisaged returns from S106 over next plan period to what it hopes to achieve through CIL? If the housing figures laid out in the Local Plan were to remain as proposed, then the cost of infrastructure for traffic alone would be colossal.

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Dependent on Location of / Proximity to nearby Cities / Conurbations:

If HBC sets its CIL too high, then our near neighbours Leeds City would benefit from "cheaper" CIL with their greater pulling power of existing infrastructure. Developers would find it easier to operate there, especially as Leeds have been operating CIL since 2014. If HBC's CIL were to be deemed too low (highly unlikely) then there would be a flood of planning applications for development that would ruin the environs of our spa town. Is there the ability to change CIL levels once imposed at regular intervals to ensure HBC can be competitive? Remember that "if Leeds sneezes, we catch a cold here".

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Dependent on Definition of one's own Economic Situation:

Is it the intention to compete economically with areas such as Leeds in trying to attract high level jobs to the area with a commensurate need for top-end housing or to remain primarily a service-based

industry in Harrogate town? The attraction of being in a major city with all its facilities has proven a better bet for high-end jobs as is witnessed by the current situation.

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one:

Question 6

Do you support the Council's draft instalments policy?

Please tick one:

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one:

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Although extremely difficult to evaluate, opinion from Pannal and Burn Bridge Parish is that the CIL rate proposed is probably 10-15% too high.

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

- . I would like to be notified of the publication of the recommendations of the Examiner and reasons for those recommendations
- . I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Pannal and Burn Bridge Parish Council

Parish Clerk
Pannal and Burn Bridge Parish Council

For the attention of the Planning Department (by email)
Harrogate Borough Council
Harrogate

20th February, 2019

Dear Sirs

**Re: Community Infrastructure Levy: Draft Charging Schedule consultation deadline
22nd February, 2019**

It would be appreciated if the Parish Council's comments, as set out below, are taken into account in consideration of the CIL charging schedule.

It is understood that setting the optimum rate is a balancing act with little to use as evidence or guidelines, given that each town or city or borough council's situation will be very different. In our opinion, it depends on:

1. the size of an existing building programme
2. location of, and proximity to, nearby cities/conurbations
3. definition of one's own economic situation
4. how CIL would equate to revenue from S106 arrangements

We wish to make the following comments regarding these points:

In recognising the CIL formula as being: **CIL rate x Net additional new build floorspace x Inflation measure** - one has to be really sure of the most important variable – the new floorspace.

1. the existing local plan programme includes a -0 +30% flexibility factor when something of the order of -0 +10 to 15% is considered more than adequate.

Hence, any levy needed to meet the cost of additional infrastructure should be based on the OAN figure (already based on higher than required figures from HEDNA) before any contingencies/flexibility factors are added.

2. If HBC sets its CIL too high, then our near neighbours (Leeds City) would benefit from "cheaper" CIL with their greater pulling power of existing infrastructure. Developers would find it easier to operate there, especially as Leeds have been operating CIL since 2014. If HBC's CIL were to be deemed too low (highly unlikely) then there would be a flood of planning applications for development that would ruin the environs of our spa town.

Is there the ability to change the CIL levels once imposed at regular intervals to ensure HBC can be competitive? Remember that "if Leeds sneezes, we catch a cold here".

[Redacted signature block]

Pannal and Burn Bridge Parish Council

3. Is it the intention to compete economically with areas such as Leeds in trying to attract high level jobs to the area with a commensurate need for top-end housing or to remain primarily a service-based industry in Harrogate town? The attraction of being in a major city with all its facilities has proven a better bet for high-end jobs as is witnessed by the current situation.

4. Has HBC related the envisaged returns from S106 over the next plan period to what it hopes to achieve through CIL? If the housing figures laid out in the local plan were to remain as proposed, then the cost of infrastructure for traffic alone would be colossal.

Although extremely difficult to evaluate, opinion from this parish is that the CIL rate proposed is probably 10 to 15% too high.

Please be good enough to acknowledge this response to

[REDACTED]

Yours faithfully

Jane Marlow
Parish Clerk

[REDACTED]

[REDACTED]

[REDACTED]

Comment

Consultee Mr Malcolm Dawson (1043311)

Email Address [REDACTED]

[REDACTED] Organisation Bewerley Parish Council

Address [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by Bewerley Parish Council (Mr Malcolm Dawson - 1043311)

Comment ID DCS10

Response Date 22/02/19 13:26

Consultation Point Community Infrastructure Levy : Draft Charging Schedule ([View](#))

Status Processed

Submission Type Web

Version 0.1

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: Object

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Whilst the viability assessment is clearly very thorough and would appear to be based on established methodologies, it is based upon a number of very cautious assumptions which tend to depress the rates of CIL at which developments would be considered to be viable. In particular, at paragraph 6.5 (e) the developer's return is assumed to be 20% of market value and 6% affordable value. Against this, the NAO report 'Planning for New Homes' dated 8 February 2019 states at paragraph 2.21 that 'the average operating profit for the top five house-builders...increased from around 12% in 2012 to

21% in 2016'. Given that this operating profit will be across all forms of housing development, it is reasonable to assume that the 20% of market value assumption is very conservative. The NAO report also notes in the same paragraph that the average contribution agreed with developers during that same period remained constant at £19,000 per new home (actual contributions received will actually have been less as a result of re-negotiations once development is underway), whilst house prices rose by 31%. This suggests that there is a long history of exactly this kind of conservative assessment process nationally, which continually works in favour of the developer and against the interests of the local community.

No matter how thorough the methodology, if the assumptions driving the calculations are wrong, so will the result be. It is worth also noting that the consultants themselves state at paragraph 7.12 that 'Harrogate Borough is situated in high value and vibrant area with strong house prices that are able to support an active housing market.' It seems reasonable to assume, therefore, that the market could support a more generous level of CIL. This is reinforced by the rates of CIL for neighbouring authorities shown in paragraphs 8.26 to 8.29. It seems unlikely that Bradford has a more vibrant market than Harrogate, and yet they are proposing levels of CIL of up to £100 per sq. metre vs no more than £50 per sq. metre in this document.

The consultants note in 'next steps' at paras 8.58 and 8.59 that this report represents and consultant's view, does not reflect particular priorities and emphasis that HBC might want to put on its Development Plan and that there is considerable scope to strike a different balance. Despite this, the Council has chosen to work directly from the recommendations, with no evidence that there has been any attempt to overlay local knowledge of the market or HBC priorities. It is very clear, given the rate of house building currently underway across the District, that these rates are conservative and that the bulk of developments would remain viable with a more extensive contribution from CIL. The Council should be transparent about why it has chosen not to take a more robust approach.

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: Object

Please suggest alternative rates (if relevant and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See response to Question 1. The Council should challenge the underpinning assumptions driving the viability model. Assumptions which reflect the reality of Housing Developers' profit margins, rather using an outdated industry standard assumption of 20% of market value, would automatically result in higher CIL rates and would likely allow greater differentiation across the various development zones.

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: Support

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

The consultation document was, regrettably, unclear about exactly how the different charging zones worked and the interaction between these and the Development Sites set out in the Harrogate District Local Plan. In discussion with Councillors from other Parishes across the District, it is clear that the common understanding was that **all** development in Zones 2 and 3 would attract a zero rate of CIL.

Having discussed this with the Principal Planning Officer, I understand that the critical phrase is 'the main urban areas' and that this refers to development within the green boundaries on the maps on page 14 onwards in the Draft Charging Schedule document. As a result, and having cross referenced to the Local Plan maps, it would appear that the developments proposed in Bewerley, for instance, would attract a £50 per sq. metre rate of CIL as they fall outside the green boundaries. This is obviously welcome from the Parish Council's perspective. However, it would be helpful if some form of cross reference or overlay between the Local Plan and the Charging Zones could be produced so that it is clear exactly which developments would, and would not, be liable for CIL.

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one: N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

No comment.

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one: Object

Please provide reasons for your answer:

Please be as precise as possible (continue on a separate A4 sheet(s) if necessary)

See response to Questions 1 and 2. Different assumptions would result in a different charging schedule.

In addition, however, a key issue with the consultation is the proposed interaction between CIL and S106 planning obligations. It is very difficult to comment, for instance, on the sums expected to be raised by CIL without knowing the working assumptions about what will be raised through s106. As it stands, the consultation makes clear that at the proposed rates CIL will raise around £9m over the planning period. Yet the infrastructure funding gap is estimated at £98m. I understand the presumption is that the bulk of the remaining gap will be raised through planning obligations. But the documents provide no evidence for this and so it is impossible to know whether, taken together, CIL and s106 planning obligations will generate sufficient funding to provide the necessary infrastructure for such a significant housebuilding programme. The evidence from the NAO report mentioned above is that developers have historically failed to contribute sufficiently to infrastructure required to support new housing. It is not clear that these proposals will result in a different outcome.

Question 6

Do you support the Council's draft instalments policy?

Please tick one: N/A

Please provide reasons for your answer: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

No comment.

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: Support

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

None

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

- I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- I would like to be notified of the publication of the recommendations of the Examiner and reasons for those recommendations
- I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comment

Consultee	Mr I Smith (896200)
Email Address	[REDACTED]
Company / Organisation	Historic England
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Community Infrastructure Levy : Draft Charging Schedule
Comment by	Historic England (Mr I Smith - 896200)
Comment ID	DCS11
Response Date	20/02/19 15:55
Consultation Point	Community Infrastructure Levy : Draft Charging Schedule (View)
Status	Processed
Submission Type	Letter
Version	0.2
Files	Historic England_Redacted.pdf

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one:

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one:

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one:

Question 6

Do you support the Council's draft instalments policy?

Please tick one:

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one:

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

Comments received via email or letter

Comments received via email or letter are available [Historic England_Redacted.pdf](#) here:

Planning Policy,
Planning and Development,
PO Box 787,
Harrogate
HG1 9RW

Our Ref: HD/P5338/05
Your Ref:

Telephone: 01904 601977
Mobile: 0797 4312960

15 February 2019

Dear Sir or Madam,

Harrogate Community Infrastructure Levy: Draft Charging Schedule

Thank you for consulting Historic England about the Harrogate Community Infrastructure Levy: Draft Charging Schedule. Historic England recognises the importance of Community Infrastructure Levy as a source of funding to deliver the infrastructure required to underpin the sustainable development of the area. We have the following comments to make on the contents of the document:-

- Draft Charging Rates

In terms of our area of interest, the suggested rates of CIL that it is proposed to charge for both residential and non-residential developments seem unlikely to impact upon future investment in schemes which could help secure the future of the District's heritage assets.

- Indicative Regulation 123 List

The draft Infrastructure Delivery Plan identifies a number of projects which would be likely to benefit the historic environment of the Borough. These include:-

- Green Infrastructure
- Community, Cultural and Leisure facilities
- Public Realm improvements

The funding that is likely to be necessary to cover the gap between the costs of delivering these community projects and the resources currently available seems unlikely to be met from other sources (including S106 funding). Consequently, we would support the inclusion of these projects on the Regulation 123 List.

- Exemptions

Under the CIL regulations, Local Authorities have the right to offer discretionary relief from CIL in exceptional circumstances in order to ensure that the levy does not prevent otherwise desirable development. Although it is accepted that the decision to offer exceptional relief is not part of the Charging Schedule,

nonetheless, we welcome the acknowledgement within the document that such relief may be offered in exceptional circumstances. In terms of our area of interest, we consider that CIL relief should be offered where the requirement to pay CIL would have a harmful impact upon the economic viability of developments which involve heritage assets particularly those which are likely to secure a sustainable future for those at risk.

If you have any queries about any of the matters raised in this letter or would like to discuss anything further, please do not hesitate to contact me.

Yours faithfully,

Ian Smith

Historic Environment Planning Adviser (Yorkshire)

e-mail: ian.smith@english-heritage.org.uk

Comment

Agent	Karen Read (1202143)
Email Address	[REDACTED]
Company / Organisation	klr Planning Ltd
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Consultee	Aldi Stores Ltd (1202145)
Address	c/o agent c/o agent c/o agent
Event Name	Community Infrastructure Levy : Draft Charging Schedule
Comment by	Aldi Stores Ltd (1202145)
Comment ID	DCS12
Response Date	20/02/19 12:43
Consultation Point	Community Infrastructure Levy : Draft Charging Schedule (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Aldi_Redacted.pdf

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one:

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one:

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one:

Question 6

Do you support the Council's draft instalments policy?

Please tick one:

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one:

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

Comments received via email or letter

Comments received via email or letter are available [Aldi_Redacted.pdf](#) here:

Planning Policy Team
Harrogate Borough Council
PO Box 787
Harrogate
HG1 9RW

Date: 20 February 2019
Our Ref: KLR0133/L002
By e-mail to: planningpolicy@harrogate.gov.uk

Dear Sir/Madam

REPRESENTATIONS TO THE HARROGATE COMMUNITY INFRASTRUCTURE LEVY – DRAFT CHARGING SCHEDULE CONSULTATION JANUARY 2019

klr Planning Ltd is instructed by Aldi Stores Ltd to submit representations to Harrogate Borough Council's Community Infrastructure Levy ('CIL') Draft Charging Schedule ('DCS'). Representations were made in June 2018 to the CIL Preliminary Draft Charging Schedule ('PDCS') the purpose of this representation is to reiterate the **objection** of Aldi Stores Ltd to the introduction of a CIL charge on supermarkets proposed by the council based on the impact this will have on the viability of future stores.

This further representation is made regarding the following evidence-based documents on the Council's consultation portal:

- CIL Draft Charging Schedule January 2019;
- CIL Preliminary Draft Charging Schedule: Key Issues January 2019;
- CIL Preliminary Draft Charging Schedule: Planning Obligations Evidence Tables May 2018;
- Local Plan Viability Update and CIL Viability Assessment January 2019;
- Whole Plan Viability Assessment September 2016.

Aldi Stores Ltd uphold their **objection** to the proposed CIL charge in the DCS with significant concerns about the viability assessment work presented to propose a single CIL charge of £120/sqm for supermarket uses. Our further representations are as follows:

Planning Obligations Evidence Tables 2018

We reiterate the comments made in the representations made by Aldi Stores to the PDCS and associated evidence-based documents on 20 June 2018, page 2 paragraph 6.

It is difficult to know whether the supermarket applications listed at Tables 7 and 8 are the basis for the council's consideration of CIL on supermarkets. The schemes are all very dated, with some

schemes being over 15 years and therefore considered in a very different economic climate. Furthermore, most relate to large format foodstores. The only application for a discount foodstore attracted no S106 contributions.

The Aldi store at Ripon is not included. The store with a gross floorarea of 1,536sqm was approved in September 2014 (LPA ref: 14/00969/FULMAJ). The scheme was not subject to S106 contributions but there was a contribution of £7,500 to a traffic regulation order.

Whole Plan Viability Assessment September 2016

This viability assessment was undertaken by independent consultants HDH Planning and Development instructed by the council.

The approach taken to assessing the viability of food retail was to model two typologies - supermarkets of 4,000sqm and smaller supermarkets of 1,200sqm on greenfield and brownfield sites. The typologies make the distinction between the 'Big 4' and discount operators such as Aldi, although the council remains of the view that no distinct should be made with regards to a CIL charge.

The development appraisals are provided at Appendix 10. Based on the experience of Aldi stores and their advisors, the following comments are made regarding:

Retail/development land values

The Council's assumption regarding development land value is too low. There are two examples to demonstrate this:

- The former Vauxhall Dealership on Leeds Road was purchased in 2014 for a reputed £4m by a local Developer, Hornbeam Developments. Based on a site area of 2.1 acres, this equates to £1.82m per acre.
- The new Lidl on Chain Lane in Knaresborough, where circa £4m was paid for the former Co-op Store in 2015. This again equates to £1.18m per acre.

Professional Fees

These are stated in the Council's viability assessments as 8%. Professional fees currently being used by developers in financial appraisals are 10%.

Planning Costs

The figures used by the Council are too low. A significant upfront spend on technical work to support a planning application for a new foodstore is required, particularly when bringing forward brownfield sites where this can be circa £50,000-£70,000. Based on the current planning application fees schedule, a new Aldi store application attracts a fee payable to the LPA of £12,000.

The VUCA has shown that a flat CIL charge across different forms of retail development is neither equitable nor appropriate and viability varies between 'supermarkets' and 'smaller supermarkets' by reference to floor area.

The viability evidence set out in the report clearly demonstrates a smaller supermarket of 1,200sqm is not viable when subject to a CIL charge of £120per/sqm.

Preliminary Draft Charging Schedule Key Issues 2019 (DCS)

In this document Harrogate Borough Council provides analysis of responses to the Preliminary Draft Charging Schedule (2018). On Page 7 the issue of smaller scale retailing is raised, the representation calls for a clearer distinction to be made between larger supermarkets and smaller convenience stores. The Council's response is:

'The viability assessment is not concerned with any particular developers' or operators' business model, rather it is an assessment carried out under the PPG and Harman Guidance for the purpose of assessing whether or not the development plan is put 'at serious risk' or not.'

In respect of providing alternative evidence, we consider that the Council's own independent report 'Local Plan Viability Update and CIL Assessment 2019' provides clear evidence that introducing a levy of up to £120per/sqm as a 'blanket' charge with no clear distinction between large and smaller supermarkets is flawed and will prohibit development, particularly in the case of Aldi.

This approach seems to be in conflict with the council's conclusions regarding retail development other than supermarkets where a distinction is made by zone, as presented in the evidence-based work in this report.

Community Infrastructure Levy, Draft Charging Schedule

The Community Infrastructure Levy Regulations (2010) and supporting guidance states that CIL rates must not threaten development. The 'blanket' maximum rate of £120per/sqm, will threaten the deliverability of smaller supermarkets (1,200sqm) and this has been evidenced by the Council's own report - Local Plan Viability Update and CIL Assessment 2019.

Aldi objects to the council's proposed CIL rate for supermarkets as 'maximum' rate. This is ambiguous and allows for confusion in determining the appropriate rates.

Conclusion

Based on the above, Aldi objects to the £120per/sqm proposed CIL charge for supermarkets when the council's own evidence prepared by independent consultant's models two food retail typologies, large and smaller supermarkets, which demonstrates smaller supermarkets are not viable with this level of CIL charge. In this respect, it is unjustified and unsound.

Proposing a single CIL charge for supermarkets is wholly inconsistent with the evidence-based approach to assessing viability based on two typologies for food retailing. It is not made clear, why the council considers this a sound approach.

We trust that full consideration will be given to these representations. If you wish to discuss these comments further, please contact me.

[Redacted]

[Redacted]

Karen Read

[Redacted]

Director

klr Planning Ltd



Comment

Agent Miss K Jukes (896046)

Email Address [REDACTED]

Company / Organisation Directions Planning Consultancy Ltd

Address [REDACTED]
[REDACTED]
[REDACTED]

Consultee Mrs S Scawthorn (1057376)

Company / Organisation Barker Business Park Ltd

Address [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by Barker Business Park Ltd (Mrs S Scawthorn - 1057376)

Comment ID DCS13

Response Date 22/03/19 13:21

Consultation Point Community Infrastructure Levy : Draft Charging Schedule
([View](#))

Status Processed

Submission Type Email

Version 0.5

Files [Kathryn Jukes various clients_Redacted.pdf](#)

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: Object

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see accompanying response

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: Object

Please suggest alternative rates (if relevant and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see accompanying response

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: Object

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see accompanying response

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one: Object

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see accompanying response

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one: Support

Please provide reasons for your answer:

Please be as precise as possible (continue on a separate A4 sheet(s) if necessary)

Please see accompanying response

Question 6

Do you support the Council's draft instalments policy?

Please tick one: Object

Please provide reasons for your answer: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see accompanying response

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: Object

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see accompanying response

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see accompanying response

Examination

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Please tick the relevant boxes:

- I would like to be heard by the Examiner at the Examination
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Comments received via email or letter

Comments received via email or letter are available here:

[Kathryn Jukes various clients_Redacted.pdf](#)

**CONSULTATION RESPONSE FORM:
Community Infrastructure Levy (CIL)**

**Draft Charging Schedule 2019 Consultation
11 January – 22 February 2019**

Please return the completed form **by no later than 4.30pm on Friday 22 February 2019** to:
Planning Policy team, Harrogate Borough Council, PO Box 787, Harrogate HG1 9RW
or email: planningpolicy@harrogate.gov.uk

This form can be submitted online or downloaded at <https://consult.harrogate.gov.uk/portal/>

1. Personal Details	
Title	
First Name	
Last Name	
Organisation (where relevant)	Barker Business Park
Address – line 1	C/o Agent
Address – line 2	
Address – line 3	
Address – line 4	
Address – line 5	
Postcode	
E-mail Address	
Telephone Number	

2. Agent's Details (if applicable)
Ms
Kathryn
Jukes
Directions Planning Consultancy
23 Victoria Avenue
Harrogate
HG1 5RD
k.jukes@directionsplanning.co.uk
01423 525456 / 07908 666530

Question 1. Do you support the methodology and assumptions used in the CIL Viability Assessment?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see accompanying response

Question 2. Do you support the proposed CIL rates for new residential development?

Please tick one:

Support

Object

✓

N/A

Please suggest alternate rates (if relevant) and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see accompanying response

Question 3. Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see accompanying response

Question 4. Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail warehouses)?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see accompanying response

Question 5. Do you support the proposal to set the rate at £0 per square metre for all other types of chargeable development?

Please tick one:

Support

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see accompanying response

Question 6. Do you support the Council's draft instalments policy?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see accompanying response

Question 7. Do you support the Council's draft Regulation 123 list?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see accompanying response

Question 8. Do you have any other comments on the Draft Charging Schedule, or CIL Viability Assessment?

Additional Comments:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see accompanying response

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- I would like to be notified of approval of the Charging Schedule by Harrogate Borough Council

Data Protection

The information you provide on the form will be stored on a database used solely in connection with the Harrogate District Council Local Plan, Community Infrastructure Levy and planning policy documents. Representations will be available to view on the council's website, but address, signature and contact details will not be included. However, as copies of representations must be made available for public inspection, they cannot be treated as confidential and will be available for inspection in full.

Representations must be received no later than 4.30pm Friday 22 February 2019

Signature:



Date: 22nd February 2019

Please return the completed form by no later than 4:30pm on Friday 22 February 2019 to:

Planning Policy Team,
Harrogate Borough Council,
PO Box 787,
Harrogate
HG1 9RW

Or Email: planningpolicy@harrogate.gov.uk

Representations must be received no later than 4.30pm Friday 22 February 2019

Comment

Consultee Mr Paul Crossan (1202157)

Email Address [REDACTED]

Company / Organisation Better Wetherby Partnership

Address [REDACTED]
[REDACTED]
[REDACTED]

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by Better Wetherby Partnership (Mr Paul Crossan - 1202157)

Comment ID DCS14

Response Date 22/02/19 13:39

Consultation Point Community Infrastructure Levy : Draft Charging Schedule ([View](#))

Status Processed

Submission Type Email

Version 0.2

Files [Better Wetherby_Redacted.pdf](#)

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: Object

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

In terms of scene setting it is perhaps worth reflecting on the fact that the NAO has recently criticised Local Planning Authorities for failing to effectively utilise the planning levers they have to maximise the contribution from developers. Furthermore, in their recent report "Planning for New Homes", the NAO concluded that developers are using the planning system to pay less in contributions than agreed.

Moreover, the NAO considers that contributions to the cost of infrastructure and affordable housing agreed with developers are not keeping pace with increases in house prices.

Better Wetherby Partnership understand that the levy is expected to have a positive economic effect on development across a local plan area and that when deciding the levy rates, an appropriate balance must be struck between additional investment to support development and the potential effect on the viability of developments. We note that in this regard Paragraph 8.55 of the Viability Assessment (VA) states:

“CIL setting is a qualitative and a quantitative process. CIL is not calculated through a predetermined formula. The Council is required to ‘strike’ the balance between (a) the desirability of funding from CIL ... the ... cost of infrastructure required to support the development of its area, ... and (b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.”

The closing paragraphs of the VA conclude by stating:

“The recommendations in this study are ‘a consultant’s view’ and do not reflect the particular priorities and emphasis that HBC may put on different parts of its Development Plan. The suggested rates are supported by the evidence – however there is considerable scope for the Council to strike a different balance. We stress that the information in this report is an important element of the evidence for setting CIL, but is only one part of the evidence; the wider context needs to be considered.”

We believe that in order to successfully deliver the plan it is vital that public infrastructure can properly cope with the significant increase in housing planned across the whole of Borough which will inevitably require a major investment in capital projects. This is recognised in the VA, which quantifies the total infrastructure funding gap for the District for works required to accommodate planned growth to 2023/24 at c£98 million. However, the VA also shows that the total projected revenue from CIL of c£8.8m over the same period would fall well short of what is needed.

So, given the critical nature that the CIL should play in helping to close the funding gap for vital infrastructure projects (c£90m), we find it surprising that Harrogate Borough Council’s appears to be adopting an approach which will effectively shield the impact the vast majority of residential developers largely from contributing a realistic amount to infrastructure costs on the grounds of financial viability. This seems counter-intuitive considering that their own consultant’s report clearly shows that in many cases the growth in new property valuations is running way ahead construction costs.

In light of the above comments, Better Wetherby Partnership considers that the Council should be required to have provided additional evidence to justify their decision of simply taking forward the consultant’s recommendations in full without offering any meaningful qualitative explanation and how they intend to address the resultant shortfall in funding needed to deliver major infrastructure projects.

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: **Support** **Object**

Please suggest alternative rates (if relevant and provide reasons for your answer):

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Better Wetherby Partnership notes that the CIL Viability Assessment provides information on the charges set by several other neighbouring authorities including Leeds, Bradford and Selby.

Although it is not possible from the tables provided to determine whether the CIL rate proposed by Harrogate Borough Council is in line with these areas or otherwise, the individual rates in themselves do suggest that the Council is perhaps being far too cautious in its approach to setting the rate for new residential developments.

In this regard, we note that the national CIL guidance recognises 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, the charging authority should consider setting 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"*.

Under the Council's proposals all of the developments identified in Zones 2 and 3 would be charged at a rate of £0/sqm. Effectively this rate would cover 85% of the new houses being proposed across the Borough. We are of course aware that Harrogate Council, has and continues to come under considerable pressure from developers and land owners to secure planning permission for large-scale housing developments across the Borough, which begs the question is economic viability an issue that can really be legitimately used to support the central proposal for the majority of new homes to be denuded of any CIL charge whatsoever.

It might therefore be seen that the Harrogate Borough Council is aiming to set a CIL rate that would make house building across the area even more financially attractive for developers and landowners when compared to surrounding local authority areas. Whether this is intentional or otherwise is clearly one for the Council to defend.

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: Support

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Better Wetherby Partnership can see some merit in the principle of setting different CIL charges for different geographical areas. And whilst the boundaries themselves might be appropriate the whole exercise does seem to be rather nugatory when the Council then chooses to set £nil/sqm rate for the vast majority of houses due to be built within two of the three identified zones.

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one: N/A

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one: N/A

Question 6

Do you support the Council's draft instalments policy?

Please tick one: Support

Please provide reasons for your answer: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Better Wetherby Partnership find it reassuring that the Council is seeking to recover all agreed CIL charges for any particular development within one year. **We would however respectfully suggest that the Council should be vigilant to ensure that non-residential phased developments are not exploited by developers or landowners in order to minimise CIL contributions as has been the case elsewhere.**

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: Support

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Whilst Better Wetherby Partnership can clearly see that there is a direct read-across between some of the Council's list of Infrastructure Development Projects (Table 1.2 Appendix 1) and the draft regulation 123 listed at (Table 1.5 Appendix 5) there does however appear to be some notable omissions.

For example, "Green Infrastructure Provision" and "Community, Cultural and Leisure facilities are not listed separately under the IDP costings (Table 2.1) and yet the paper clearly states that *Harrogate Borough Council intends (123 list projects) will be, or may be, wholly or partly funded by CIL.*

If this is the case, then the Council should consider whether their overall capital funding gap (which can be deduced from the information presented at Appendix 1) might in fact be considerably wider than is currently envisaged as well as exploring options to address this inconsistency.

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Better Wetherby Partnership representatives attended the Council's Planning Committee in September 2018 and witnessed this committee provisionally approve an outline application for the erection of up to 210 dwellings and associated infrastructure for land comprising a field at Harrogate Road, Stockeld, North Yorkshire. The site is adjacent to the boundary of the Harrogate district with Leeds City Council's administrative area and adjoining the built-up area of Wetherby.

At the application stage and subsequently, the appointed developer made a strong play that this site was sustainable because Wetherby is a "major settlement" and that the development would therefore be capable of utilising many of Wetherby's amenities and services. Despite serious concerns being raised by Leeds City Council at the time, including that the principle of residential development outside

the limits of Wetherby runs contrary to the Council's Core Strategy in terms of the strategic location of new development, the Planning Committee chose to set aside this important observation and instead they had to grant permission "with a heavy heart", as reported. Paragraph 9.33 of the paper presented to the Council Planning Committee (Item No 1) clearly stated that "Whilst the site is in a rural area within the Harrogate District, it **sits adjacent to the built up area of Wetherby and is seen as an urban extension of that settlement**, which is located within the Leeds City Council boundary. The latest National Planning Guidance states that "Authorities *which agree to take additional housing from other areas may in turn require investment in infrastructure provision to support this. Where effective cross-boundary working can be demonstrated in the statement of common ground, this could be used as evidence when trying to secure grants for infrastructure where effective joint working forms part of the assessment criteria.*"

Better Wetherby Partnership feels strongly that Leeds City Council are effectively taking on additional houses from a neighbouring authority and if a Statement of Common Ground existed between the two authorities, then one would have rightfully expected for this to have made some reference to the Community Infrastructure Levy contribution required to invest in the infrastructure provisions over and above any S106 Agreement emerging from this development. This is precisely the circumstances envisaged in the National Guidance which states "*The statement (of common ground) is evidence that the strategic policy-making authorities have sought agreement with the relevant bodies. It can also inform the Community Infrastructure Levy, and can form part of the evidence base for the Infrastructure Funding Statement, especially when forecasting contributions required for future planned development*".

In light of the above comments, and given that there is an undisputed impact on the market town of Wetherby due to the proximity and size of the planned development, we would strongly argue that in the spirit of their proposed policy, **Harrogate Borough Council should ensure that a meaningful proportion of the CIL generated by the Stockeld development must be allocated to the Town Council. In this regard, it would clearly be sensible for Wetherby to be considered to fall within the scope of the Zone 1 boundary, as specified in the draft Charging Schedule.** This approach, if agreed, would be entirely consistent with the national CIL Guidance which states that "*Charging authorities may pass money to bodies outside their area to deliver infrastructure that will benefit the development of the area.*"

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

- . I would like to be heard by the Examiner at the Examination
- . I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
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- . I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comments received via email or letter

Comments received via email or letter are available here:

[Better Wetherby Redacted.pdf](#)

**CONSULTATION RESPONSE FORM:
Community Infrastructure Levy (CIL)**

**Draft Charging Schedule 2019 Consultation
11 January – 22 February 2019**

Please return the completed form **by no later than 4.30pm on Friday 22 February 2019** to:
Planning Policy team, Harrogate Borough Council, PO Box 787, Harrogate HG1 9RW
or email: planningpolicy@harrogate.gov.uk

This form can be submitted online or downloaded at <https://consult.harrogate.gov.uk/portal/>

1. Personal Details		2. Agent's Details (if applicable)	
Title	Mr		
First Name	Paul		
Last Name	Crossan		
Organisation (where relevant)	Better Wetherby Partnership		
Address – line 1	██████████		
██████████	██████████		
██████████			
██████████			
██████████			
██████████	██████████		
██████████	████████████████████		
Telephone Number	██████████		

Question 1. Do you support the methodology and assumptions used in the CIL Viability Assessment?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

In terms of scene setting it is perhaps worth reflecting on the fact that the NAO has recently criticised Local Planning Authorities for failing to effectively utilise the planning levers they have to maximise the contribution from developers. Furthermore, in their recent report "Planning for New Homes", the NAO concluded that developers are using the planning system to pay less in contributions than agreed. Moreover, the NAO considers that contributions to the cost of infrastructure and affordable housing agreed with developers are not keeping pace with increases in house prices.

Better Wetherby Partnership understand that the levy is expected to have a positive economic effect on development across a local plan area and that when deciding the levy rates, an appropriate balance must be struck between additional investment to support development and the potential effect on the viability of developments. We note that in this regard Paragraph 8.55 of the Viability Assessment (VA) states:

"CIL setting is a qualitative and a quantitative process. CIL is not calculated through a predetermined formula. The Council is required to 'strike' the balance between (a) the desirability of funding from CIL ... the ... cost of infrastructure required to support the development of its area, ... and (b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area."

The closing paragraphs of the VA conclude by stating:

"The recommendations in this study are 'a consultant's view' and do not reflect the particular priorities and emphasis that HBC may put on different parts of its Development Plan. The suggested rates are supported by the evidence – however there is considerable scope for the Council to strike a different balance. We stress that the information in this report is an important element of the evidence for setting CIL, but is only one part of the evidence; the wider context needs to be considered."

We believe that in order to successfully deliver the plan it is vital that public infrastructure can properly cope with the significant increase in housing planned across the whole of Borough which will inevitably require a major investment in capital projects. This is recognised in the VA, which quantifies the total infrastructure funding gap for the District for works required to accommodate planned growth to 2023/24 at c£98 million. However, the VA also shows that the total projected revenue from CIL of c£8.8m over the same period would fall well short of what is needed.

So, given the critical nature that the CIL should play in helping to close the funding gap for vital infrastructure projects (c£90m), we find it surprising that Harrogate Borough Council's appears to be adopting an approach which will effectively shield the impact the vast majority of residential developers largely from contributing a realistic amount to infrastructure costs on the grounds of financial viability. This seems counter-intuitive considering that their own consultant's report clearly shows that in many cases the growth in new property valuations is running way ahead construction costs.

In light of the above comments, Better Wetherby Partnership considers that the Council should be required to have provided additional evidence to justify their decision of simply taking forward the consultant's recommendations in full without offering any meaningful qualitative explanation and how they intend to address the resultant shortfall in funding needed to deliver major infrastructure projects.

Question 2. Do you support the proposed CIL rates for new residential development?

Please tick one:

Support

Object

✓

N/A

Please suggest alternate rates (if relevant) and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Better Wetherby Partnership notes that the CIL Viability Assessment provides information on the charges set by several other neighbouring authorities including Leeds, Bradford and Selby.

Although it is not possible from the tables provided to determine whether the CIL rate proposed by Harrogate Borough Council is in line with these areas or otherwise, the individual rates in themselves do suggest that the Council is perhaps being far too cautious in its approach to setting the rate for new residential developments.

In this regard, we note that the national CIL guidance recognises 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, the charging authority should consider setting 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”*.

Under the Council’s proposals all of the developments identified in Zones 2 and 3 would be charged at a rate of £0/sqm. Effectively this rate would cover 85% of the new houses being proposed across the Borough. We are of course aware that Harrogate Council, has and continues to come under considerable pressure from developers and land owners to secure planning permission for large-scale housing developments across the Borough, which begs the question is economic viability an issue that can really be legitimately used to support the central proposal for the majority of new homes to be denuded of any CIL charge whatsoever.

It might therefore be seen that the Harrogate Borough Council is aiming to set a CIL rate that would make house building across the area even more financially attractive for developers and landowners when compared to surrounding local authority areas. Whether this is intentional or otherwise is clearly one for the Council to defend.

Question 3. Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Support

✓

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Better Wetherby Partnership can see some merit in the principle of setting different CIL charges for different geographical areas. And whilst the boundaries themselves might be appropriate the whole exercise does seem to be rather nugatory when the Council then chooses to set £nil/sqm rate for the vast majority of houses due to be built within two of the three identified zones.

Question 4. Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail warehouses)?

Please tick one:

Support

Object

N/A

✓

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 5. Do you support the proposal to set the rate at £0 per square metre for all other types of chargeable development?

Please tick one:

Support

Object

N/A

✓

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 6. Do you support the Council's draft instalments policy?

Please tick one:

Support

✓

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Better Wetherby Partnership find it reassuring that the Council is seeking to recover all agreed CIL charges for any particular development within one year. **We would however respectfully suggest that the Council should be vigilant to ensure that non-residential phased developments are not exploited by developers or landowners in order to minimise CIL contributions as has been the case elsewhere.**

Question 7. Do you support the Council's draft Regulation 123 list?

Please tick one:

Support

✓

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Whilst Better Wetherby Partnership can clearly see that there is a direct read-across between some of the Council's list of Infrastructure Development Projects (Table 1.2 Appendix 1) and the draft regulation 123 listed at (Table 1.5 Appendix 5) there does however appear to be some notable omissions.

For example, "Green Infrastructure Provision" and "Community, Cultural and Leisure facilities are not listed separately under the IDP costings (Table 2.1) and yet the paper clearly states that *Harrogate Borough Council intends (123 list projects) will be, or may be, wholly or partly funded by CIL.*

If this is the case, then the Council should consider whether their overall capital funding gap (which can be deduced from the information presented at Appendix 1) might in fact be considerably wider than is currently envisaged as well as exploring options to address this inconsistency.

Question 8. Do you have any other comments on the Draft Charging Schedule, or CIL Viability Assessment?

Additional Comments:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Better Wetherby Partnership representatives attended the Council's Planning Committee in September 2018 and witnessed this committee provisionally approve an outline application for the erection of up to 210 dwellings and associated infrastructure for land comprising a field at Harrogate Road, Stockeld, North Yorkshire. The site is adjacent to the boundary of the Harrogate district with Leeds City Council's administrative area and adjoining the built-up area of Wetherby.

At the application stage and subsequently, the appointed developer made a strong play that this site was sustainable because Wetherby is a "major settlement" and that the development would therefore be capable of utilising many of Wetherby's amenities and services. Despite serious concerns being raised by Leeds City Council at the time, including that the principle of residential development outside the limits of Wetherby runs contrary to the Council's Core Strategy in terms of the strategic location of new development, the Planning Committee chose to set aside this important observation and instead they had to grant permission "with a heavy heart", as reported.

Paragraph 9.33 of the paper presented to the Council Planning Committee (Item No 1) clearly stated that "Whilst the site is in a rural area within the Harrogate District, it **sits adjacent to the built up area of Wetherby and is seen as an urban extension of that settlement**, which is located within the Leeds City Council boundary. The latest National Planning Guidance states that "Authorities *which agree to take additional housing from other areas may in turn require investment in infrastructure provision to support this. Where effective cross-boundary working can be demonstrated in the statement of common ground, this could be used as evidence when trying to secure grants for infrastructure where effective joint working forms part of the assessment criteria.*"

Better Wetherby Partnership feels strongly that Leeds City Council are effectively taking on additional houses from a neighbouring authority and if a Statement of Common Ground existed between the two authorities, then one would have rightfully expected for this to have made some reference to the Community Infrastructure Levy contribution required to invest in the infrastructure provisions over and above any S106 Agreement emerging from this development. This is precisely the circumstances envisaged in the National Guidance which states "*The statement (of common ground) is evidence that the strategic policy-making authorities have sought agreement with the relevant bodies. It can also inform the Community Infrastructure Levy, and can form part of the evidence base for the Infrastructure Funding Statement, especially when forecasting contributions required for future planned development*".

In light of the above comments, and given that there is an undisputed impact on the market town of Wetherby due to the proximity and size of the planned development, we would strongly argue that in the spirit of their proposed policy, **Harrogate Borough Council should ensure that a meaningful proportion of the CIL generated by the Stockeld development must be allocated to the Town Council. In this regard, it would clearly be sensible for Wetherby to be considered to fall within the scope of the Zone 1 boundary, as specified in the draft Charging Schedule.** This approach, if agreed, would be entirely consistent with the national CIL Guidance which states that "*Charging authorities may pass money to bodies outside their area to deliver infrastructure that will benefit the development of the area.*"

Examination

In order for the Council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:-

- ✓ I would like to be heard by the Examiner at the Examination
- ✓ I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- ✓ I would like to be notified of the publication of the recommendations of the examiner and reasons for those recommendations
- ✓ I would like to be notified of approval of the Charging Schedule by Harrogate Borough Council

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as copies of representations must be made available for public inspection, they cannot be treated as confidential and will be available for inspection in full.

Signature:



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Planning Policy Team,
Harrogate Borough Council,
PO Box 787,
Harrogate
HG1 9RW

Or Email: planningpolicy@harrogate.gov.uk

Representations must be received no later than 4.30pm Friday 22 February 2019

Comment

Agent Mr James Cox (1202161)

Email Address [REDACTED]

Company / Organisation Lichfields

Address 15 St Paul's Street
Leeds
LS1 2JG

Consultee (896443)

Company / Organisation Bourne Leisure Limited

Address [REDACTED]
[REDACTED]
[REDACTED]

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by Bourne Leisure Limited (- 896443)

Comment ID DCS15

Response Date 21/02/19 13:59

Consultation Point Community Infrastructure Levy : Draft Charging Schedule ([View](#))

Status Processed

Submission Type Email

Version 0.5

Files [Bourne Leisure_Redacted.pdf](#)

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: Support

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Bourne Leisure previously made representations (dated 6 July 2018) to the CIL Preliminary Draft Charging Schedule and the Company's views on the CIL Viability Assessment remain the same. The principles used in the preparation of the viability assessment to test the imposition of potential CIL rates are noted and support is given to the statement made at paragraph 6.32:

The viability of non-residential development was considered in Chapter 11 of the 2016 Viability Assessment. The full appraisals were set out in Appendix 10 of that study. Those appraisals included the effect of CIL. Office, industrial and hotel development were found to be unviable so are not considered further.

Support is given to the conclusions of the assessment in which hotels are deemed to be unviable and the Council rightly proposes a nil rate for CIL.

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: Support

Please suggest alternative rates (if relevant and provide reasons for your answer):

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

The proposed CIL rates are identified for market dwellings and sheltered housing and the evidence base only tests these types of uses. Bourne Leisure has not critically reviewed the assessment with regard to the residential category and makes no comments on the proposed CIL rate.

However, it is noted that the CIL Viability Assessment undertaken by HDH Planning and Development Ltd has not considered any form of tourism development other than hotels. The proposed CIL rates identified in Table 1.1 are broken down into the following categories: residential development (including sheltered housing), employment development and retail development with a nil CIL rate for all other development.

It is noted that a definition for the 'residential' category has not been provided within the Draft Charging Schedule. For the avoidance of doubt, it is considered that the Council should make it clear that the proposed "residential" CIL rate does not apply to purpose-built rental or static caravan holiday units within holiday parks or holiday resorts. This type of accommodation is wholly distinct from residential development and is not compared to other types of seasonal holiday lets that could be used as dwellings. It is narrowly restricted to holiday use and can only be occupied while holiday parks or resorts are open. The units typically are used for short-term lets and as commercial premises, this type of holiday accommodation would be subject to payments of business rates, rather than council tax. Accordingly, it would not fall under the definition of a "dwelling" contained in the Local Government Finance Act 1992, cross-reference by the CIL Regulations (2010, as amended).

Bourne Leisure therefore proposes that the Council should include a specific definition of "residential" within the Draft Charging Schedule which sets out what uses are excluded from the residential category. This definition should clearly specify that "purpose-built holiday rental or static caravan units within holiday parks or resorts" are excluded from this CIL category.

In respect of hotel development, we support the CIL Viability Assessment which explains that hotel uses are not considered further in the assessment because they are not identified as viable uses.

We trust that these representations are clear and will assist the Council in finalising the Draft CIL Charging Schedule. Please do not hesitate to contact either my colleague Tabitha Howson or me should you require clarification on any of the points made.

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: N/A

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one: . N/A

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one: . Support

Please provide reasons for your answer:

Please be as precise as possible (continue on a separate A4 sheet(s) if necessary)

Based upon the evidence base prepared for the Draft Charging Schedule, Bourne Leisure supports the conclusions of the assessment in which hotels are deemed to be unviable for CIL.

Question 6

Do you support the Council's draft instalments policy?

Please tick one: . N/A

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: . N/A

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

N/A

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

- . I would like to be heard by the Examiner at the Examination
- . I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- . I would like to be notified of the publication of the recommendations of the Examiner and reasons for those recommendations
- . I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comments received via email or letter

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Community Infrastructure Levy (CIL)**

**Draft Charging Schedule 2019 Consultation
11 January – 22 February 2019**

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1. Personal Details	
Title	
First Name	
Last Name	
Organisation (where relevant)	Bourne Leisure
Address – line 1	C/O Agent
Address – line 2	
Address – line 3	
Address – line 4	
Address – line 5	
Postcode	
E-mail Address	
Telephone Number	

2. Agent's Details (if applicable)
Mr
James
Cox
Lichfields
15 St Paul's Street
Leeds
LS1 2JG
[REDACTED]
[REDACTED]

Question 1. Do you support the methodology and assumptions used in the CIL Viability Assessment?

Please tick one:

Support

X

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Bourne Leisure previously made representations (dated 6 July 2018) to the CIL Preliminary Draft Charging Schedule and the Company's views on the CIL Viability Assessment remain the same. The principles used in the preparation of the viability assessment to test the imposition of potential CIL rates are noted and support is given to the statement made at paragraph 6.32:

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Support is given to the conclusions of the assessment in which hotels are deemed to be unviable and the Council rightly proposes a nil rate for CIL.

Question 2. Do you support the proposed CIL rates for new residential development?

Please tick one:

Support

x

Object

N/A

Please suggest alternate rates (if relevant) and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

The proposed CIL rates are identified for market dwellings and sheltered housing and the evidence base only tests these types of uses. Bourne Leisure has not critically reviewed the assessment with regard to the residential category and makes no comments on the proposed CIL rate.

However, it is noted that the CIL Viability Assessment undertaken by HDH Planning and Development Ltd has not considered any form of tourism development other than hotels. The proposed CIL rates identified in Table 1.1 are broken down into the following categories: residential development (including sheltered housing), employment development and retail development with a nil CIL rate for all other development.

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We trust that these representations are clear and will assist the Council in finalising the Draft CIL Charging Schedule. Please do not hesitate to contact either my colleague Tabitha Howson or me should you require clarification on any of the points made.

Question 3. Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Support

Object

N/A

x

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 4. Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail warehouses)?

Please tick one:

Support

Object

N/A

x

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 5. Do you support the proposal to set the rate at £0 per square metre for all other types of chargeable development?

Please tick one:

Support

x

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Based upon the evidence base prepared for the Draft Charging Schedule, Bourne Leisure supports the conclusions of the assessment in which hotels are deemed to be unviable for CIL.

Question 6. Do you support the Council's draft instalments policy?

Please tick one:

Support

Object

N/A

x

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 7. Do you support the Council's draft Regulation 123 list?

Please tick one:

Support

Object

N/A

x

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 8. Do you have any other comments on the Draft Charging Schedule, or CIL Viability Assessment?

Additional Comments:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

N/A

Examination

In order for the Council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:-

- I would like to be heard by the Examiner at the Examination
- I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
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Signature:



Date: 21.02.2019

Please return the completed form by no later than 4:30pm on Friday 22 February 2019 to:

Planning Policy Team,
Harrogate Borough Council,
PO Box 787,
Harrogate
HG1 9RW

Or Email: planningpolicy@harrogate.gov.uk

Representations must be received no later than 4.30pm Friday 22 February 2019

Comment

Agent Mr Stuart Natkus (1054655)

Email Address [REDACTED]

Company / Organisation Barton Willmore

Address 14 King Street
Leeds
LS1 2HL

Consultee (934442)

Company / Organisation Barratt Homes and David Wilson Homes

Address nil
nil
nil

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by Barratt Homes and David Wilson Homes (- 934442)

Comment ID DCS16

Response Date 22/02/19 14:09

Consultation Point Community Infrastructure Levy : Draft Charging Schedule
([View](#))

Status Processed

Submission Type Email

Version 0.3

Files [Barratt Homes Redacted.pdf](#)

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: Object

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

- . I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comments received via email or letter

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This form can be submitted online or downloaded at <https://consult.harrogate.gov.uk/portal/>

1. Personal Details	
Title	
First Name	
Last Name	
Organisation (where relevant)	Barratt and David Wilson Homes
Address – line 1	
Address – line 2	
Address – line 3	
Address – line 4	
Address – line 5	
Postcode	
E-mail Address	
Telephone Number	

2. Agent's Details (if applicable)
Mr
Stuart
Natkus
Barton Willmore
14 King Street
Leeds
LS1 2HL



Question 1. Do you support the methodology and assumptions used in the CIL Viability Assessment?

Please tick one:

Support

Object

X

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please refer to attached representations

Question 2. Do you support the proposed CIL rates for new residential development?

Please tick one:

Support

Object

X

N/A

Please suggest alternate rates (if relevant) and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please refer to attached representations

Question 3. Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Support

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 4. Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail warehouses)?

Please tick one:

Support

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 5. Do you support the proposal to set the rate at £0 per square metre for all other types of chargeable development?

Please tick one:

Support

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 6. Do you support the Council's draft instalments policy?

Please tick one:

Support

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 7. Do you support the Council's draft Regulation 123 list?

Please tick one:

Support

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 8. Do you have any other comments on the Draft Charging Schedule, or CIL Viability Assessment?

Additional Comments:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Examination

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Please tick the relevant boxes:-

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Signature:



Date: 22/02/2019

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Planning Policy Team,
Harrogate Borough Council,
PO Box 787,
Harrogate
HG1 9RW

Or Email: planningpolicy@harrogate.gov.uk

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Planning Policy
Harrogate Borough Council
PO Box 787
Harrogate
HG1 9RW

Sent by Email – planningpolicy@harrogate.gov.uk

16440/A3/SN

22nd February 2019

Dear Sir/Madam,

HARROGATE BOROUGH COUNCIL – DRAFT CHARGING SCHEDULE

These representations have been prepared by Barton Willmore on behalf of Barratt and David Wilson Homes Yorkshire East (hereafter referred to as the 'Client') in response to the Harrogate Borough Council Community Infrastructure Levy: Draft Charging Schedule (January 2019) and associated evidence base documents which are subject to consultation from Friday 11 January 2019 to Friday 22 February 2019.

Our Client has a keen interest in the future development of Harrogate and is grateful for this opportunity to engage in the forward planning process. Our Client wants to ensure that the emerging Community Infrastructure Levy Draft Charging Schedule is fair and reasonable and is based upon sound viability evidence, to ensure that development with the Borough is not unduly prohibited. Our Client is pleased to have the opportunity to positively engage with Harrogate Borough Council (hereafter referred to as the 'Council') to help it achieve a robust Community Infrastructure Levy (CIL).

Our Client has land interests in the following locations within the Borough, which have been promoted through the Local Plan examination:

- Land at Pennypot Lane, Harrogate (unallocated);
- Land at Minskip Road, Staveley (SV1); and
- Land on former allotments, Knaresborough Road, Bishop Monkton (BM2 and BM4).

Our Client has previously made representations to the CIL: Preliminary Draft Charging Schedule and these representations are referred to and referenced within this statement.

Question 1 – Do you support the methodology and assumptions used in the CIL Viability Assessment?

The methodology used in the Viability Assessment is set out at Chapter 2 and 3 of the Whole Plan Viability Assessment (September 2016), and is then updated in the Local Plan Viability Update and CIL Viability Assessment (May 2018, reissued in January 2019). We have some concerns regarding the assumptions and how they impact upon viability of sites.



The Whole Plan Viability report considered the policies proposed at the time and the level of affordable, together with the potential implementation of CIL. Tables 10.6 and 10.7 of the original 2016 viability report consider the Councils affordable housing policies, which in turn show that at the levels provided the ability to provide other developer contributions reduces. Paragraph 12.8 of the same report summarises this and confirms that:

“The development represented by the greenfield typologies is generally viable at 40% affordable housing across the Borough. At 40% there is limited scope to introduce CIL except on the smaller sites. If the Council is going to require CIL to fund infrastructure then it would be necessary to consider a reduced affordable target of 35% or 30%, although the impact of Starter Homes will be a pertinent issue to consider in this context and it is recommended that the viability evidence is updated prior to the Council considering a change to the target”.

This report provided evidence for the Council to propose a 40% affordable housing policy, which in turn has been to the Local Plan Examination. The conflict in this statement between affordable housing and CIL was raised at the Local Plan examination, however discussion effectively deferred for the CIL examination.

The amended viability assessment of May 2018 has been used to determine the level of CIL and concludes at paragraph 7.8 that *“the greenfield sites do remain viable when subject to the additional costs associated with the new Local Plan. In line with the findings of the 2016 report, at 40% there is some scope to introduce CIL except on the smaller sites”.*

This statement is contradictory to the 2016 assessment, as that report concluded that if CIL were to be included the affordable level would need to reduce to either 30 or 35%. The comparison is only accurate if the affordable level is set at 30-35%, however this is not the case. The 40% requirement has been submitted as part of the Local Plan and been through examination with no indication that it will reduce.

The statements in the two assessments are therefore not accurate and are not similar in their conclusions.

The 2016 assessment did not include all of the policy requirements of the Local Plan; therefore, the costs were lower, however its conclusions resulted in a higher level of viability. Our concerns therefore 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.

Paragraph 6.5 of the 2018 report confirms at paragraph 6.5 the updated analysis. This includes the appropriate inclusion of the 40% affordable housing figure and increased costs on the policy HS1 and HS2 requirements. Given that these reduce viability it is difficult to see how an alternative conclusion has been reached.

It is however noted that the Council have increased the density of sites in the viability assessment and also amended the developers return. The latter of these is now calculated as 20% of market value as opposed to the previous 20% of developer's costs. Paragraph 6.8 of the updated report confirms that it is this alternative approach to developers return, which balances out the lower residual values by the policy amendments.

Our client objects to both of these amendments, firstly their sites are located in smaller settlements that have policies requiring lower densities, with Staveley in particular artificially reduced in order to meet local requirements. The density issue is noted in a lot of the smaller settlements as being a key policy requirement with sites needing to meet local characteristics. Secondly, these sites have already entered into contracts based on previous viability assessments therefore to change the calculation of a developers return is inappropriate.

The other key changes is noted in section 4 of the revised report, where the value of homes has shown a 16.59% increase, whereas costs have only shown a 13.66% increase. This general assumption results in a conclusion that 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, therefore it isn't a simple proportionate increase.

The conclusions drawn do not appear to be based on evidence but a simple statement on a 3% difference in margins. This level would not equate to altering the previous comments on requiring a 10% reduction in affordable housing.

In conclusion the updated report maintains the same baseline calculations but adds in the Local Plan policies, which set affordable housing at 40% and add in housing standard policies. This is then offset by an amendment to developers return calculations, a 3% reduction in costs and higher densities.

In relation to our client's sites it is not considered that any of these increases would be relevant given the status of the sites and other policies in the plan and therefore at 40% affordable housing the previous conclusions on CIL remain relevant.

Question 2. Do you support the proposed CIL rates for new residential development?

The Draft Charging Schedule sets out five categories for CIL payments for residential uses. This is split from market housing to sheltered housing and then splits the rate on location. There are three zones – Zone 1 covers most of the Borough, Zone 2 is the main urban areas and Zone 3 are the 'strategic sites' in the emerging Local Plan including the proposed new settlement. The proposed rates are as follows:

Table 1: Residential Draft Charging Schedule

Residential Development	Maximum CIL Rate (per sq.m)
Zone 1 and sites of 10 units or fewer in all areas	£50
Zone 2	£0
Zone 3	£0
Sheltered Housing in Zone 1 and Zone 3	£60
Sheltered Housing in Zone 2	£40

Whilst the CIL rates are comparable to neighbouring authorities, our /client has concerns regarding the viability of these rates and the evidence to support them as highlighted above. At this time, based on the evidence provided, our client does not support the rates for the zones as indicated in the Draft Charging Schedule.

Conclusion

In conclusion we do not believe that the amended viability has justified the Councils previous conclusions on CIL and a 40% level of affordable housing. On this basis the level of CIL should be reduced accordingly in line with the previous calculations.

We trust these comments will be taken into account and will be in attendance at the examination to raise these points further.

Yours sincerely



STUART NATKUS
Director

Comment

Agent Mr A Nicholls (895979)

Email Address [REDACTED]

Address 140 Denby Lane
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Consultee Mr Ian Thornton (1051131)

Company / Organisation Thornton and Linley

Address [REDACTED]
[REDACTED]
[REDACTED]

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by Thornton and Linley (Mr Ian Thornton - 1051131)

Comment ID DCS17

Response Date 21/02/19 14:24

Consultation Point Community Infrastructure Levy : Draft Charging Schedule
([View](#))

Status Processed

Submission Type Email

Version 0.4

Files [CIL Reps Thornton and Linley 21.2.19_Redacted.pdf](#)

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: Object

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: Object

Please suggest alternative rates (if relevant and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: N/A

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one: N/A

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one: N/A

Question 6

Do you support the Council's draft instalments policy?

Please tick one: Support

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: N/A

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

- I would like to be heard by the Examiner at the Examination
- I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- I would like to be notified of the publication of the recommendations of the Examiner and reasons for those recommendations

- . I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comments received via email or letter

Comments received via email or letter are available here:

[CIL Reps Thornton and Linley 21.2.19_Redacted.pdf](#)



**CONSULTATION RESPONSE FORM:
Community Infrastructure Levy (CIL)**

**Draft Charging Schedule 2019 Consultation
11 January – 22 February 2019**

Please return the completed form **by no later than 4.30pm on Friday 22 February 2019** to:
Planning Policy team, Harrogate Borough Council, PO Box 787, Harrogate HG1 9RW
or email: planningpolicy@harrogate.gov.uk

This form can be submitted online or downloaded at <https://consult.harrogate.gov.uk/portal/>

1. Personal Details	
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Address – line 2	
Address – line 3	
Address – line 4	
Address – line 5	
Postcode	
E-mail Address	
Telephone Number	

2. Agent's Details (if applicable)
Mr
Alyn
Nicholls
Alyn Nicholls Chartered Town Planner
140 Denby Lane
Upper Denby
Huddersfield
HD8 8UN



Question 1. Do you support the methodology and assumptions used in the CIL Viability Assessment?

Please tick one:

Support

Object

X

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

1. The context for these representations is the need to provide appropriate housing for older people. The need is recognised in the Emerging Local Plan. The development of appropriate housing must not be prejudiced by an unjustified CIL charging rate rendering schemes unviable.
2. The Emerging Local Plan was prepared in the context of the first National Planning Policy Framework (2012). Paragraph 50 highlights the need to plan for different sections of the community, including older people. This is carried forward in the current National Planning Policy Framework (2019). "Older people" are defined as
*"People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs."*¹
3. The housing of older people ranges from purpose designed homes (whether they are bungalows, houses or apartments) to allow completely independent living, through to developments designed to provide specialist nursing care and treatment for conditions such as dementia. Extra-care developments can provide a range of accommodation, facilities and services to meet the needs of the active, newly-retired through to the very frail elderly on the same site.
4. There has been longstanding recognition that positive steps must be taken to plan for an ageing population. As long ago as 2004 the Royal Town Planning Institute produced a paper "Planning for An Ageing Population", and various other organisations such as the Planning Officers' Society, the Local Government Association, the Joseph Rowntree Trust, have undertaken research and highlighted the need for and benefits of purpose designed residential accommodation tailored to the needs of older people. Purpose designed accommodation has the advantage of:
 - Designed for accessibility and accommodating different levels of mobility.
 - To provide support and care if required.
 - To provide a sense of community, avoiding social isolation and loneliness.
 - To provide a focus for activities for residents of the development and also older people living in the surrounding area.
 - To provide a sense of security.
 - Evidence indicates that it helps older people lead more healthy lives and alleviate pressures on the NHS.
 - Sheltered housing can transform the quality of life of older people.
5. In addition to the above, purpose designed sheltered accommodation enables people to move away from houses which are no longer suitable for their needs. This has the benefit of releasing under-occupied family homes, increasing availability in the ordinary local housing stock.

¹ NPPF Annex 2: Glossary. This definition is set out in all versions of the NPPF.

House of Commons Committee

6. The issue of homes for older people has been addressed at an inquiry before a House of Commons Committee². A copy of this Report was attached to our representations to the Draft CIL Charging Schedule. The relevant points from the conclusions and recommendations of the Report are as follows:
- There is a well evidenced link between housing, health and well-being. It notes that poor quality, inappropriate accommodation can lead to reduced mobility, depression, chronic and acute illness and falls and social isolation to loneliness and depression.
 - Providing support for older people to remain in their existing housing is a false economy.
 - The Committee supports greater encouragement for the development of housing for older people and ensuring sites are available for a wider range of developers within the NPPF. They assert that the NPPF should be amended (as it has) to emphasise the key importance of the provision of housing for older people in both local authority plan-making and decision-taking.
 - That older people should be able to choose from a wide choice of housing which can accommodate their needs and preferences.
 - The Commission calls for a national strategy on housing provision for older people.
7. There is therefore strong evidence of the need in a national context to provide specialist housing which is designed to meet the needs of older people. This need is recognised by the Government. The background to considering the requirement for specialist accommodation for older people is therefore one of an overriding need.

Housing and Economic Development Needs Assessment (HEDNA)

8. The HEDNA that provides evidence to support the emerging Local Plan considered the need for housing for older people³. It notes the current high proportion of older people in the district, which is anticipated to see notable growth. However, the assessment focussed on a narrow consideration of the need for specialist housing for older people. Based on the Housing LIN⁴ toolkit, it considered the need for housing for those over 75 years of age, the need for registered care bedspaces and the need for homes for those with dementia (and other illness) and mobility problems (in the population aged over 65). The assessment does not consider active people nearing or newly retired and therefore it addresses only part of the requirement arising for older people. In short, the HEDNA does not identify the full extent of the need for purpose designed older persons homes to secure the benefits identified in the Report of the House of Commons Committee.

Viability – General Matters

9. The viability of development schemes for older people was addressed in detail in the Report of the House of Commons Committee. Paragraph 123 of the Report refers to evidence from developers of specialist housing that emphasised strongly the different development economics they faced in comparison to developers of general needs housing. The Report note that the Home Builders Federation said developers “struggle to compete” because their overall “gross development value” is higher. They identified the following characteristics of specialist housing as significant in this:
- Less saleable space as a result of communal areas;
 - Larger gross internal area, as a result of communal areas and the need to provide accessible accommodation, attracting higher Community Infrastructure Levy (CIL) and section 106 charges;
 - Higher density, which attracts higher CIL and section 106 charges;
 - Lack of pre-sales (the communal areas must be complete and operating before anyone moves in);
 - Difficulty or inability to phase development;
 - A cost to the developer when units remain unsold as they must maintain all services; and
 - Higher build costs because of the requirement for a higher specification.

10. With regard to CIL, The Report makes express reference⁵ to the evidence of McCarthy and Stone which explained that CIL was particularly onerous for developers of specialist housing because the liability applied to all shared areas where restaurants and lounges are provided and to the wider corridors necessary to meet wheelchair accessibility standards. Where other facilities are provided within a development such as a laundry, a shop, a gym, activity rooms and space for administration and staff facilities (particularly if care is provided on site), the floorspace is potentially CIL chargeable but those facilities do not, of themselves, generate any commercial value.
11. The Report also addresses the question of the Use Class of housing for older people and the implications for CIL. Issues arise when an Extra Care scheme provides an on-site care and communal facilities (often extensive), but otherwise the scheme provides homes (bungalows, houses or apartments) that enable people to live independently.
12. The Report of the Committee concludes as follows⁶:

“We believe that the level of planning contributions on specialist housing, which are increased as a result of the non-saleable communal areas which are a feature of this type of housing, is impeding the delivery of homes.

We recommend either the creation of a sub-category of the C2 planning classification (which currently applies to residential care and nursing homes) for specialist housing, which would reduce the contributions required from developers, or the creation of a new use class for specialist housing which would have the same effect.”
13. Sheltered housing is defined as residential accommodation that includes an element of care with Use Class C2. However, there is a fundamental problem with definitions because of the range of different housing solutions that developers are providing for older people. The Viability Report describes extra care housing as sometimes referred to as very sheltered housing or housing with care. They describe it as 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. By way of example housing provided by the ExtraCare Charitable Trust is designed to enable people to live actively and independently, with (generally) accommodation available to those over 55. Care is available and the development is designed such that as residents grow older and perhaps become more infirm, people do not think about moving to a residential home.
14. The definitions should be amended to provide greater clarity. The Viability Report (2019) indicates that there is scope for CIL in the sheltered sector, but not extra care. However, the distinction between sheltered housing and extra care accommodation is arbitrary and cannot be justified. A distinction is drawn between development costs and non-saleable service areas, costs being greater for extra care and there being a greater percentage of non-revenue generating floorspace⁷.
15. The viability assessment makes an arbitrary distinction between a private sheltered retirement scheme and an extra care scheme whereas the reality is that the market provides a range of different types of accommodation involving different levels of care and ranges of facilities. Consequently, the distinction between a private sheltered retirement scheme and an extra care scheme as drawn in the

² House of Commons, Communities and Local Government Committee, Housing for Older People, Second Report of Session 2017-19.

³ HEDNA, paragraph 9.10 onwards.

⁴ Housing Learning and Information Network

⁵ Paragraph 125

⁶ Paragraph 126

⁷ See paragraph 9.23 of the 2016 Viability Report

viability assessment is arbitrary. Generalisations cannot be applied to this sector because of the range of different operators, the products they offer and the need and requirements being satisfied⁸.

16. The Council's report on Key Issues on the Preliminary Draft Charging Schedule refers to the higher development costs applying to housing for older people. The response is that the costs of developing in this sector are higher and it identifies the following costs as being appropriate:

Estate housing generally	£974 per square metre
Sheltered housing	£1,186 per square metre
Extra care housing	£1,294 per square metre

17. Chapter 10 of the Whole Plan Viability Assessment, September 2016 provides the analysis that underpins the proposed charging rates.
18. The viability assessment makes an arbitrary distinction between a private sheltered retirement scheme and an extra care scheme whereas the reality is that the market provides a range of different types of accommodation involving different levels of care and ranges of facilities. Consequently, the distinction between a private sheltered retirement scheme and an extra care scheme as drawn in the viability assessment is arbitrary. Generalisations cannot be applied to this sector because of the range of different operators, the products they offer and the need and requirements being satisfied⁹.
19. In terms of build costs, it is unclear whether any distinction is made between the build costs of accommodation and common areas and communal facilities in the total cost per square metre.
20. Within the appraisals a value £4,000 per square metre is assumed (for both sheltered and extra care developments). The evidence is based on 75% of the typical price of a 3 bed semi, uplifted to reflect the values being achieved in the market¹⁰. This must be put into context of the Harrogate Market and a shortfall in supply of retirement accommodation. Furthermore, there is a stark differential between the price assumptions for residential development set out in the Viability Report is only £2,650 for urban flats¹¹. The views of the Housing Retirement Group¹² is that in practice it is not generally possible to set the price of accommodation at a premium over general housing and they say that the playing field in that regard is not level. The consequence is that providers of accommodation for older people are at a disadvantage in the market place compared to general housing. This has clear implications for the delivery of purpose designed homes for older people.
21. Furthermore, the appraisal takes no account of the need to fund the provision of communal facilities (irrespective of whether the scheme is sheltered or extra care), prior to generating any revenue.
22. The assumptions underlying the appraisals are therefore optimistic about the viability of sheltered housing and extra care, but nevertheless arrives at the conclusion that, based on an arbitrary definition of sheltered accommodation and extra care, that sheltered accommodation can support a CIL charge whereas extra care cannot.
23. In conclusion, the ability of the Development Plan to deliver housing for older people, for which the Plan recognises the need, will be prejudiced if any CIL charge is imposed on purposed designed developments for older people.

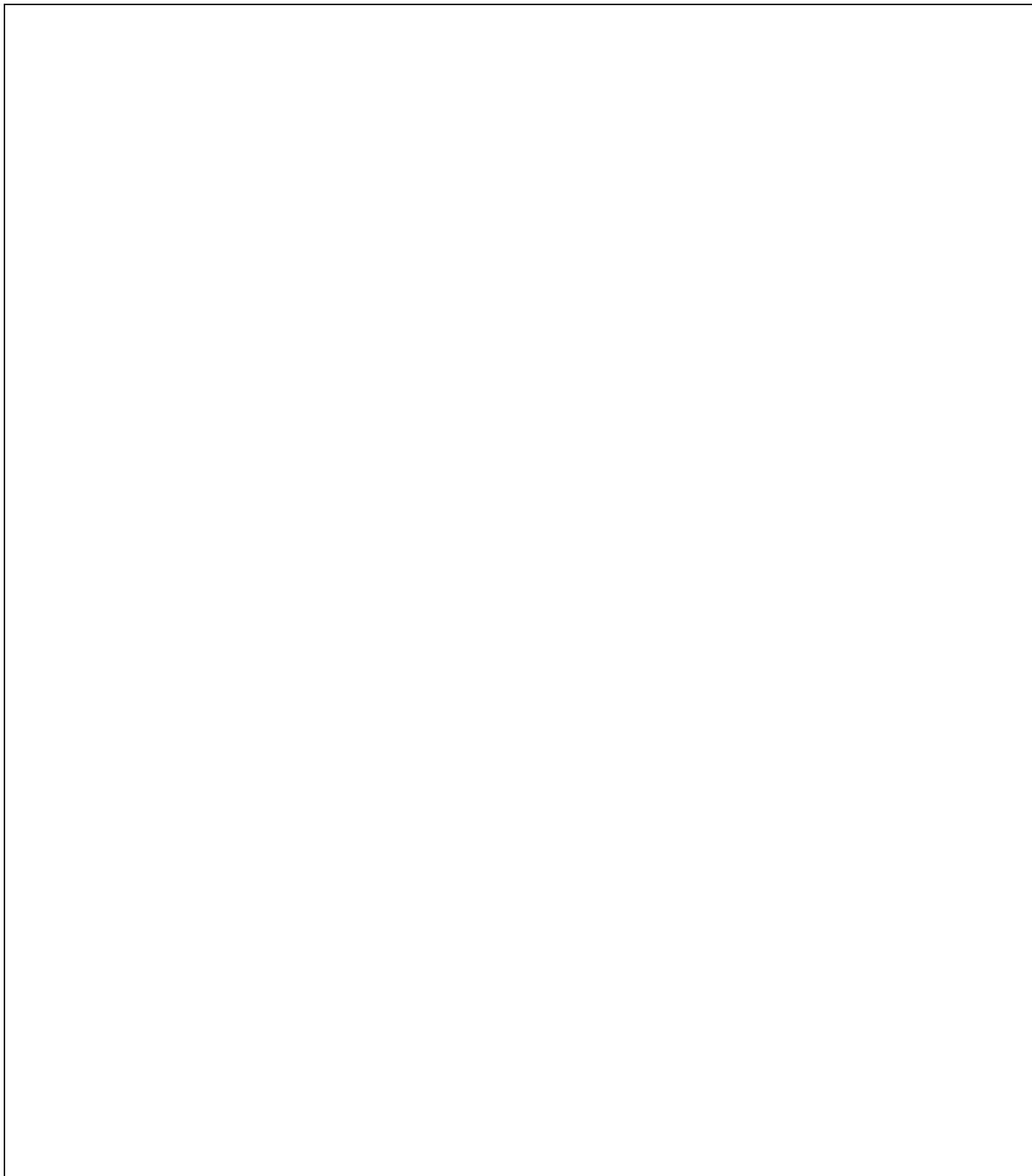
⁸ See paragraph 3.6 of the 2016 Viability Report

⁹ See paragraph 3.6 of the 2016 Viability Report

¹⁰ Viability Report paragraphs 4.79 – 4.81

¹¹ See Viability Report Tables 4.4 and 4.5 (pages 48 and 49)

¹² The Retirement Housing Group, Community Infrastructure Levy and Sheltered Housing/Extra Care Developments, March 2013



Representations must be received no later than 4.30pm Friday 22 February 2019

Question 2. Do you support the proposed CIL rates for new residential development?

Please tick one:

Support

Object

X

N/A

Please suggest alternate rates (if relevant) and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

For the reasons set out above, the CIL Charging rate for purpose designed housing for older people (consistent with the NPPF definition of "older people") should be set at £0 per square metre.

Question 3. Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Support

Object

N/A

X

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 4. Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail warehouses)?

Please tick one:

Support

Object

N/A

X

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 5. Do you support the proposal to set the rate at £0 per square metre for all other types of chargeable development?

Please tick one:

Support

Object

N/A

X

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 6. Do you support the Council's draft instalments policy?

Please tick one:

Support

X

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 7. Do you support the Council's draft Regulation 123 list?

Please tick one:

Support

Object

N/A

X

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 8. Do you have any other comments on the Draft Charging Schedule, or CIL Viability Assessment?

Additional Comments:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Representations must be received no later than 4.30pm Friday 22 February 2019

Examination

In order for the Council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:-

- I would like to be heard by the Examiner at the Examination
- I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- I would like to be notified of the publication of the recommendations of the examiner and reasons for those recommendations
- I would like to be notified of approval of the Charging Schedule by Harrogate Borough Council

Data Protection

The information you provide on the form will be stored on a database used solely in connection with the Harrogate District Council Local Plan, Community Infrastructure Levy and planning policy documents. Representations will be available to view on the council's website, but address, signature and contact details will not be included. However, as copies of representations must be made available for public inspection, they cannot be treated as confidential and will be available for inspection in full.

Signature: Alyn Nicholls

Date: 21 February 2019

Please return the completed form by no later than 4:30pm on Friday 22 February 2019 to:

Planning Policy Team,
Harrogate Borough Council,
PO Box 787,
Harrogate
HG1 9RW

Or Email: planningpolicy@harrogate.gov.uk

Representations must be received no later than 4.30pm Friday 22 February 2019

Comment

Consultee Cllr Alan Lamb (1202177)

Email Address [REDACTED]

Address [REDACTED]

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by Cllr Alan Lamb (1202177)

Comment ID DCS18

Response Date 22/02/19 14:42

Consultation Point Community Infrastructure Levy : Draft Charging Schedule ([View](#))

Status Processed

Submission Type Email

Version 0.3

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: N/A

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: N/A

Please suggest alternative rates (if relevant and provide reasons for your answer):

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

A flat rate of £0/sqm offers no differentiation between sites within zones. It could be asked if this is a deliberate ploy to encourage development by setting an artificially low rate across the zones where the majority of development will take place.

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

The distribution of CIL monies should be ringfenced for distribution within the area that is primarily impacted by the development. This notion should apply whether that impact lies within the jurisdiction of Harrogate Borough Council or beyond.

As an example, should it be allowed to continue, the proposed development of 210 dwellings at Stockeld Park (ref 17/01897/outmaj) directly borders the settlement of Wetherby, yet CIL monies will be payable by the developer to Harrogate Borough Council for use elsewhere in borough. Wetherby is left to bear the brunt of increased demand for services without compensation for the additional infrastructure that will be required.

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one: N/A

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one: N/A

Question 6

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Please tick one: N/A

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**CONSULTATION RESPONSE FORM:
Community Infrastructure Levy (CIL)**

**Draft Charging Schedule 2019 Consultation
11 January – 22 February 2019**

Please return the completed form **by no later than 4.30pm on Friday 22 February 2019** to:
Planning Policy team, Harrogate Borough Council, PO Box 787, Harrogate HG1 9RW
or email: planningpolicy@harrogate.gov.uk

This form can be submitted online or downloaded at <https://consult.harrogate.gov.uk/portal/>

1. Personal Details		2. Agent's Details (if applicable)	
Title	Councillor		
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Last Name	Lamb		
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Address – line 2	[REDACTED]		
Address – line 3	[REDACTED]		
Address – line 4	[REDACTED]		
Address – line 5			
Postcode	[REDACTED]		
E-mail Address	[REDACTED]		
Telephone Number	[REDACTED]		

Question 1. Do you support the methodology and assumptions used in the CIL Viability Assessment?

Please tick one:

Support

Object

N/A



Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 2. Do you support the proposed CIL rates for new residential development?

Please tick one:

Support

Object

N/A



Please suggest alternate rates (if relevant) and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

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Question 3. Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Support

Object

N/A



Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

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Question 4. Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail warehouses)?

Please tick one:	Support		Object		N/A	<input checked="" type="checkbox"/>
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Please provide reasons for your answer:
Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 5. Do you support the proposal to set the rate at £0 per square metre for all other types of chargeable development?

Please tick one:

Support

Object

N/A



Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 6. Do you support the Council's draft instalments policy?

Please tick one:

Support

Object

N/A



Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 7. Do you support the Council's draft Regulation 123 list?

Please tick one:

Support

Object

N/A



Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 8. Do you have any other comments on the Draft Charging Schedule, or CIL Viability Assessment?

Additional Comments:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Examination

In order for the Council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:-

- ✓ I would like to be heard by the Examiner at the Examination
- ✓ I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- ✓ I would like to be notified of the publication of the recommendations of the examiner and reasons for those recommendations
- ✓ I would like to be notified of approval of the Charging Schedule by Harrogate Borough Council

Data Protection

The information you provide on the form will be stored on a database used solely in connection with the Harrogate District Council Local Plan, Community Infrastructure Levy and planning policy documents. Representations will be available to view on the council's website, but address, signature and contact details will not be included. However,

Representations must be received no later than 4.30pm Friday 22 February 2019

as copies of representations must be made available for public inspection, they cannot be treated as confidential and will be available for inspection in full.

Signature:



Date: 22 February 2019

Please return the completed form by no later than 4:30pm on Friday 22 February 2019 to:

Planning Policy Team,
Harrogate Borough Council,
PO Box 787,
Harrogate
HG1 9RW

Or Email: planningpolicy@harrogate.gov.uk

Representations must be received no later than 4.30pm Friday 22 February 2019

Comment

Consultee	Councillor Christine Willoughby (1051353)
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Community Infrastructure Levy : Draft Charging Schedule
Comment by	Councillor Christine Willoughby (1051353)
Comment ID	DCS19
Response Date	18/02/19 15:16
Consultation Point	Community Infrastructure Levy : Draft Charging Schedule (View)
Status	Processed
Submission Type	Email
Version	0.3

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one:

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one:

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one:

Question 6

Do you support the Council's draft instalments policy?

Please tick one:

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one:

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

i just want to comment on paragraph 3.1 which is What developments will be liable to pay CIL?

- . Social housing that meets the relief criteria set out in regulation 49 or 49A of the CIL Regulations 2010 (as amended)6
- . Development by charities for charitable purposes(7)

There needs to be something included to allow Community Land Trusts to be able to build social and affordable housing without the need to pay CIL. As this is currently worded, I don't think the point is made clearly.

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

From: Christine Willoughby
Sent: 18 February 2019 15:17
To: Planning Policy
Subject: community infrastructure levy draft charging schedule

Categories: CIL response

hi

i just want to comment on paragraph 3.1 which is What developments will be liable to pay CIL?

- Social housing that meets the relief criteria set out in regulation 49 or 49A of the CIL Regulations 2010 (as amended) [\(6\)](#)
- Development by charities for charitable purposes [\(7\)](#)

There needs to be something included to allow Community Land Trusts to be able to build social and affordable housing without the need to pay CIL. As this is currently worded, I don't think the point is made clearly.

thanks
Christine
Cllr Christine Willoughby
HBC Member Knaresborough Eastfield

Comment

Consultee Mr Russell Davidson (1202372)

Email Address [REDACTED]

Company / Organisation Estate Consultations Limited

Address [REDACTED]
[REDACTED]
[REDACTED]

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by Estate Consultations Limited (Mr Russell Davidson - 1202372)

Comment ID DCS20

Response Date 18/02/19 13:38

Consultation Point Community Infrastructure Levy : Draft Charging Schedule ([View](#))

Status Processed

Submission Type Email

Version 0.3

Files [Estate Consultations Ltd_Redacted.pdf](#)

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: Object

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: Object

Please suggest alternative rates (if relevant and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: Object

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one: Object

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one: Object

Please provide reasons for your answer:

Please be as precise as possible (continue on a separate A4 sheet(s) if necessary)

see attached

Question 6

Do you support the Council's draft instalments policy?

Please tick one: Object

Please provide reasons for your answer: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: Object

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached

Examination

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Comments received via email or letter

Comments received via email or letter are available here:

[Estate Consultations Ltd Redacted.pdf](#)

Question 1. Do you support the methodology and assumptions used in the CIL Viability Assessment?

Please tick one:	<input type="checkbox"/> Support	<input type="checkbox"/>	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> x	<input type="checkbox"/> N/A	<input type="checkbox"/>
------------------	----------------------------------	--------------------------	---------------------------------	---------------------------------------	------------------------------	--------------------------

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

The proposed levy is unbalanced as it falls unduly heavily on the commercial sector. While I recognise that it is important to encourage housebuilding, it is unreasonable to exempt many categories of housing and put such a large levy instead on retail and office development.

The retail sector is in meltdown, so the Council should be doing what it can to encourage new retail projects, not put them off even further by taxing them.

Similarly, Harrogate has lost tens of thousands of feet of office space to housing development in the town centre: so much so that there is now a shortage of office space, in town.

Question 2. Do you support the proposed CIL rates for new residential development?

Please tick one:

Support

Object

x

N/A

Please suggest alternate rates (if relevant) and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

The exemptions for housing should be looked at afresh and the chargeable figure applicable to housing should be increased for developments over a certain size and should be extended beyond Harrogate town centre (why tax a small house in the Harrogate town core yet exempt a huge and valuable one outside the core?)

The tax rates for commercial (particularly retail) developments needs to be reduced.

Question 3. Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Support

Object

x

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

There are multi-million pound housing developments outside Harrogate's core area. Why exempt them?

The proposed taxes on commercial developments will constrain much needed retail investment in the area's already hard-hit shopping areas.

Question 4. Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail warehouses)?

Please tick one:	<input type="checkbox"/> Support	<input type="checkbox"/>	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> x	<input type="checkbox"/> N/A	<input type="checkbox"/>
------------------	----------------------------------	--------------------------	---------------------------------	---------------------------------------	------------------------------	--------------------------

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

The proposed rates seem to ignore the difficult time in the commercial sector. Building new housing will not of itself generate enough business to justify new retail and office development, given the increasing impact of home working and online shopping.

Question 5. Do you support the proposal to set the rate at £0 per square metre for all other types of chargeable development?

Please tick one:	<input type="checkbox"/> Support	<input type="checkbox"/>	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> x	<input type="checkbox"/> N/A	<input type="checkbox"/>
------------------	----------------------------------	--------------------------	---------------------------------	---------------------------------------	------------------------------	--------------------------

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

No, for the reasons set out above. The proposed burden falls far too heavily on the commercial sector yet exempts swathes of housing development outside the Harrogate core.

Question 6. Do you support the Council's draft instalments policy?

Please tick one:	<input type="checkbox"/> Support	<input type="checkbox"/>	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> X	<input type="checkbox"/> N/A	<input type="checkbox"/>
------------------	----------------------------------	--------------------------	---------------------------------	---------------------------------------	------------------------------	--------------------------

Please provide reasons for your answer:
Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

The payment regime is too tight and needs to be geared towards the time when income will be generated from commercial developments (ie the first letting of units) and when houses are actually sold.

Question 7. Do you support the Council's draft Regulation 123 list?

Please tick one:	Support		Object	x	N/A	
------------------	---------	--	--------	---	-----	--

Please provide reasons for your answer:
Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

It is ridiculous to have figures of £120 psm for commercial development (particularly in Harrogate town centre which is suffering right now) yet £0 psm for expensive housing developments outside the Harrogate core.

Question 8. Do you have any other comments on the Draft Charging Schedule, or CIL Viability Assessment?

Additional Comments:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please get real: the built environment desperately needs the town centres being kept alive. The environment needs a reduction in people having to commute to work. HBC should not be taxing new commercial development so heavily while exempting many classes of housing.

Examination

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Please tick the relevant boxes:-

- I would like to be heard by the Examiner at the Examination
- I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- I would like to be notified of the publication of the recommendations of the examiner and reasons for those recommendations
- I would like to be notified of approval of the Charging Schedule by Harrogate Borough Council

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as copies of representations must be made available for public inspection, they cannot be treated as confidential and will be available for inspection in full.

Signature

Date: 18.01.2019

Please return the completed form by no later than 4:30pm on Friday 22 February 2019 to:

Planning Policy Team,
Harrogate Borough Council,
PO Box 787,
Harrogate
HG1 9RW

Or Email: planningpolicy@harrogate.gov.uk

Representations must be received no later than 4.30pm Friday 22 February 2019

Comment

Consultee	Mr D Summers (896078)
Email Address	[REDACTED]
Company / Organisation	Goldsborough and Flaxby Parish Council
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Community Infrastructure Levy : Draft Charging Schedule
Comment by	Goldsborough and Flaxby Parish Council (Mr D Summers - 896078)
Comment ID	DCS21
Response Date	22/02/19 13:43
Consultation Point	Community Infrastructure Levy : Draft Charging Schedule (View)
Status	Processed
Submission Type	Email
Version	0.2
Files	goldsborough.pdf

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one:

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one:

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one:

Question 6

Do you support the Council's draft instalments policy?

Please tick one:

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one:

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

1) In general, the concept of the CIL is welcomed if this genuinely enables local infrastructure requirements to be met more effectively but understanding specifically how it is envisaged that this shall be achieved would be helpful.

2) To avoid ambiguity and inconsistency in its application across Parish Councils we would wish greater clarification on what infrastructure investment Harrogate Borough Council would undertake, what continues to fall under s106, and what Parish Councils shall be responsible for.

3) With more investment being delegated to local Parish Councils rather than managed through Harrogate Borough Council, there is a risk that the Parish Councils are inexperienced and not properly equipped in managing infrastructure projects effectively. This could result in projects with poorer quality and value

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

Comments received via email or letter

Comments received via email or letter are available here:

[goldsborough.pdf](#)

From: [REDACTED]
To: [Planning Consultations: Planning Policy](#)
Subject: Re: Community Infrastructure Levy
Date: 22 February 2019 16:35:36

Hi Wendy,

The comments do not relate to any specific Planning application.

They are in connection with the Harrogate Borough Council Consultation on the CIL that ran from 11th January until today.

I have just noticed their specific email address so have copied it in.

Regards

Derrick

Derrick Summers

Clerk to Goldsborough & Flaxby Parish Council

For details of this Parish Council's Privacy Policy please refer to our website:

<https://www.goldsboroughflaxbypc.co.uk>

On Fri, Feb 22, 2019 at 4:28 PM Planning Consultations

<planningconsultation@harrogate.gov.uk> wrote:

Dear Derek

Please can you tell me what Planning Application number your comments are in relation to in order that I can index it correctly.

Regards

Wendy Stewardson

Planning Support

Planning and Development Division

Economy and Culture

Harrogate Borough Council

PO Box 787

Harrogate

HG1 9RW

dmst@harrogate.gov.uk

www.harrogate.gov.uk

From: Derrik Summers [REDACTED]
Sent: 22 February 2019 16:25
To: Planning Consultations
Subject: Community Infrastructure Levy

Please find below this Parish Councils comments in connection with the above Consultation ending today:

1) In general, the concept of the CIL is welcomed if this genuinely enables local infrastructure requirements to be met more effectively but understanding specifically how it is envisaged that this shall be achieved would be helpful.

2) To avoid ambiguity and inconsistency in its application across Parish Councils we would wish greater clarification on what infrastructure investment Harrogate Borough Council would undertake, what continues to fall under s106, and what Parish Councils shall be responsible for.

3) With more investment being delegated to local Parish Councils rather than managed through Harrogate Borough Council, there is a risk that the Parish Councils are inexperienced and not properly equipped in managing infrastructure projects effectively. This could result in projects with poorer quality and value

Regards

Derrik Summers

Clerk to Goldsborough & Flaxby Parish Council

For details of this Parish Council's Privacy Policy please refer to our website:
<https://www.goldsboroughflaxbypc.co.uk>

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Comment

Consultee	Angela Pulman (1117774)
Email Address	[REDACTED]
Company / Organisation	Knaresborough Town Council
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Community Infrastructure Levy : Draft Charging Schedule
Comment by	Knaresborough Town Council (Angela Pulman - 1117774)
Comment ID	DCS22
Response Date	20/02/19 13:53
Consultation Point	Community Infrastructure Levy : Draft Charging Schedule (View)
Status	Processed
Submission Type	Email
Version	0.2
Files	Knaresborough TC not redacted.pdf

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one:

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one:

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one:

Question 6

Do you support the Council's draft instalments policy?

Please tick one:

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one:

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

At the meeting of Knaresborough Town Council held on Monday 18 February 2019 the Harrogate CIL Draft Charging Schedule Consultation was discussed and it was:

RESOLVED: KTC write back to HBC in support of the version of the Draft Charging Schedule Consultation document without any modifications

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

Comments received via email or letter

Comments received via email or letter are available here:

Knaresborough TC not redacted.pdf

Liz Payne

From: KTC Admin [REDACTED]
Sent: 20 February 2019 10:13
To: Planning Policy
Subject: Draft Charging Schedule Consultation CIL

Categories: CIL response

Dear Tracey,

At the meeting of Knaresborough Town Council held on Monday 18 February 2019 the Harrogate CIL Draft Charging Schedule Consultation was discussed and it was:

RESOLVED: KTC write back to HBC in support of the version of the Draft Charging Schedule Consultation document without any modifications.

Please accept this email as the consultation response from Knaresborough Town Council, Knaresborough House, High Street, HG5 0HW.

Thank you.

Angela Pulman
Clerk
Knaresborough Town Council

[REDACTED]

[REDACTED]

[REDACTED]

This email and any attachments may contain information that is confidential or privileged, and is intended solely for the use of the named recipient. If you are not the intended recipient, storing, copying or disclosing this email is prohibited and may be unlawful. Please delete it. Any opinions are those of the author and not necessarily those of the Council. No Officer is authorised to make a contract on the Council's behalf by email. The recipient is responsible for virus checking this email and any attachments. The Council does not accept service of legal documents by email.

Comment

Consultee	Ms D Cragg (896207)
Email Address	[REDACTED]
Company / Organisation	Network Rail
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Community Infrastructure Levy : Draft Charging Schedule
Comment by	Network Rail (Ms D Cragg - 896207)
Comment ID	DCS24
Response Date	30/01/19 14:11
Consultation Point	Community Infrastructure Levy : Draft Charging Schedule (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Network Rail_Redacted.pdf

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: N/A

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: N/A

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: . N/A

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one: . N/A

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one: . N/A

Question 6

Do you support the Council's draft instalments policy?

Please tick one: . N/A

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: . Object

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached

Examination

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Please tick the relevant boxes:

- . I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
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- . I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comments received via email or letter

Comments received via email or letter are available here:

[Network Rail_Redacted.pdf](#)

Question 1. Do you support the methodology and assumptions used in the CIL Viability Assessment?

Please tick one:	<input type="checkbox"/> Support	<input type="checkbox"/>	<input type="checkbox"/> Object	<input type="checkbox"/>	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> x
------------------	----------------------------------	--------------------------	---------------------------------	--------------------------	------------------------------	---------------------------------------

Please provide reasons for your answer:
Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Large empty rectangular area for providing reasons for the answer.

Question 2. Do you support the proposed CIL rates for new residential development?

Please tick one:	<input type="checkbox"/> Support	<input type="checkbox"/>	<input type="checkbox"/> Object	<input type="checkbox"/>	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> X
------------------	----------------------------------	--------------------------	---------------------------------	--------------------------	------------------------------	---------------------------------------

Please suggest alternate rates (if relevant) and provide reasons for your answer:
Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 3. Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:	<input type="checkbox"/> Support	<input type="checkbox"/>	<input type="checkbox"/> Object	<input type="checkbox"/>	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> x
------------------	----------------------------------	--------------------------	---------------------------------	--------------------------	------------------------------	---------------------------------------

Please provide reasons for your answer:
Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 4. Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail warehouses)?

Please tick one:

Support

Object

N/A

x

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 5. Do you support the proposal to set the rate at £0 per square metre for all other types of chargeable development?

Please tick one:

Support

Object

N/A

x

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 6. Do you support the Council's draft instalments policy?

Please tick one:	<input type="checkbox"/> Support	<input type="checkbox"/>	<input type="checkbox"/> Object	<input type="checkbox"/>	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> x
------------------	----------------------------------	--------------------------	---------------------------------	--------------------------	------------------------------	---------------------------------------

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 7. Do you support the Council's draft Regulation 123 list?

Please tick one:

Support

Object

x

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Network Rail note Appendix 1 of the Infrastructure delivery plan which sets out the infrastructure delivery schedule. Within that two specific projects are identified for the railway and facilities; that is station works to Cattal and Hammerton stations and rail line improvements. The rail line improvements are subject to a successful bid from the LEP.

The local plan strategy for economic growth and location of housing in part stems from the areas rail connection via the Leeds- Harrogate- York line. Policies in the vision and objectives and transport sections of the plan acknowledge the importance of improving road and rail connections both within the district and to the wider area.

The regulation 123 list refers in general to improvements to the strategic and local road network although the delivery plan sets out specific projects for which funding is required however there is no similar reference to strategic improvements to the rail network the rail reference is only to improvements to stations. The improvements to rail infrastructure required to support future growth extends beyond the railway stations at Cattal and Hammerton it includes level crossings both footpath and vehicle, potentially improvements to the line to increase capacity particularly if LEP funding cannot be secured and improvements to other stations to support the cumulative impact of other larger housing development allocations. Network Rail consider that the regulation 123 list should widen the transport schemes to include improvements to the rail network.

Question 8. Do you have any other comments on the Draft Charging Schedule, or CIL Viability Assessment?

Additional Comments:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

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Signature:



Date:

30.1.19.

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Planning Policy Team,
Harrogate Borough Council,
PO Box 787,
Harrogate
HG1 9RW

Or Email: planningpolicy@harrogate.gov.uk

Representations must be received no later than 4.30pm Friday 22 February 2019

Comment

Consultee	Mr Michael Reynolds (1205837)
Email Address	[REDACTED]
[REDACTED] Organisation	NYCC Business and Environmental Services
Address	County Hall Northallerton DL7 8AD
Event Name	Community Infrastructure Levy : Draft Charging Schedule
Comment by	NYCC Business and Environmental Services (Mr Michael Reynolds - 1205837)
Comment ID	DCS25
Response Date	22/02/19 13:57
Consultation Point	Community Infrastructure Levy : Draft Charging Schedule (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	NYCC_Redacted.pdf

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: Support

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See attached.

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: Support

Please suggest alternative rates (if relevant and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See attached.

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: Support

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See attached.

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one: Support

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See attached.

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one: Support

Please provide reasons for your answer:

Please be as precise as possible (continue on a separate A4 sheet(s) if necessary)

See attached.

Question 6

Do you support the Council's draft instalments policy?

Please tick one: Support

Please provide reasons for your answer: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See attached.

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: Support

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See attached.

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See attached.

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

Comments received via email or letter

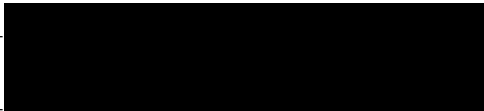

Comments received via email or letter are available here: [NYCC_Redacted.pdf](#)

**CONSULTATION RESPONSE FORM:
Community Infrastructure Levy (CIL)**

**Draft Charging Schedule 2019 Consultation
11 January – 22 February 2019**

Please return the completed form **by no later than 4.30pm on Friday 22 February 2019** to:
Planning Policy team, Harrogate Borough Council, PO Box 787, Harrogate HG1 9RW
or email: planningpolicy@harrogate.gov.uk

This form can be submitted online or downloaded at <https://consult.harrogate.gov.uk/portal/>

1. Personal Details		2. Agent's Details (if applicable)	
Title			
First Name			
Last Name			
Organisation (where relevant)	North Yorkshire County Council		
Address – line 1	County Hall		
Address – line 2	Racecourse Lane		
Address – line 3	Northallerton		
Address – line 4			
Address – line 5			
Postcode	DL7 8AD		
E-mail Address			
Telephone Number			

Question 1. Do you support the methodology and assumptions used in the CIL Viability Assessment?

Please tick one:

Support

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

NYCC has nothing to add since the preliminary submission. That submission is attached.

Question 2. Do you support the proposed CIL rates for new residential development?

Please tick one:

Support

Object

N/A

Please suggest alternate rates (if relevant) and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

NYCC has nothing to add since the preliminary submission. That submission is attached.

Question 3. Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Support

x

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

NYCC welcomes the additional mapping and clearer graphics.

We would refer you to the previous response and highlight the following section below.

We would welcome clarity on exactly where the main urban areas cover, and whether, for example, Killinghall, Hampsthwaite and Pannal would fall within the Harrogate urban area. We would request that Killinghall, Hampsthwaite and Pannal are included within the Harrogate urban area. For example, in 2018 alone, we have requested S106 contributions totalling £564,234 for planning applications in the Killinghall CE primary school catchment area, £271,920 for planning applications in Hampsthwaite CE primary school catchment area, and £628,815 for planning applications in Pannal primary school catchment area.

It is important for us to understand the capacity for us to continue to request these s106 agreements.

The mapping, together with the draft regulation 123 list highlights some areas that are not included in the zones or offered as an exclusion on the list meaning that the Education Authority would not be in a position to ask for s106 developer contributions. Of particular note is Killinghall. As highlighted above, in 2018 £564,234 of developer contributions was requested.

So, whilst in isolation we can support the zones and the approach taken, it has created areas of concern. We believe this could be dealt with most effectively through amending the draft r123 list. Please see question 7 below.

Question 4. Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail warehouses)?

Please tick one:	Support	x	Object		N/A	
-------------------------	----------------	---	---------------	--	------------	--

Please provide reasons for your answer:
Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

NYCC has nothing to add since the preliminary submission. That submission is attached.

Question 5. Do you support the proposal to set the rate at £0 per square metre for all other types of chargeable development?

Please tick one:

Support

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

NYCC has nothing to add since the preliminary submission. That submission is attached.

Question 6. Do you support the Council's draft instalments policy?

Please tick one:

Support

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Yes.

Question 7. Do you support the Council's draft Regulation 123 list?

Please tick one:

Support

X

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

The overall approach taken to the draft regulation 123 list can be supported. However, we must raise significant concerns regarding the approach to funding education infrastructure.

Since the preliminary draft charging schedule was consulted on in 2018 there has been an addition to the draft 123 list to include exclusions – effectively allowing for s106 or s278 agreements to be used in those situations. In most cases, there is a blanket exception of ‘provision necessary to make the development acceptable in planning terms’.

In the case of education facilities the following approach has been taken to listing the exception:

a. Provision of additional capacity at the following existing schools (where contributions will be sought through S106 contributions from developments allocated through the Local Plan and served by the following schools):

Birstwith CE

Boroughbridge County Primary

Boroughbridge High School

Burton Leonard CE

Goldsborough CE

Green Hammerton CE

Grove Road County Primary,

Harrogate Starbeck County Primary,

Harrogate Hampsthwaite CE

Harrogate Secondary school associated with the development of PN19

Holy Trinity CE Infant, Ripon

Holy Trinity CE Junior, Ripon Kirby Hill CE

Masham CE

Meadowside County Primary,

Knaresborough Moorside Infant, Ripon

Moorside Junior, Ripon

New Park Primary, Harrogate

North Stainley CE (may require new school on new site)

Pannal County Primary Spofforth CE

Tockwith CE

b. Provision of new primary schools to be provided in conjunction with the development of; the Strategic Sites at Boroughbridge (B4, B12 and B21), Green Hammerton/Cattal New Settlement, West Harrogate (H49, H51, H70 allocations and H50, H46, H36, H45 commitments), Manse Farm (K25 allocation and K31 commitment) and Ripon (R24, R25, R27)

NYCC would welcome the opportunity to discuss the different approach taken. As referred to in our response to question 3, the approach taken to list individual schools or zones in which s106 developer contributions can be sought has left gaps across the District. Specifically but not limited to Killinghall for example. This area is not included and as above, significant contributions have been needed in relation to developments in that area. Also of particular concern is the absence of most of the secondary schools in the district from the list.

NYCC would welcome the opportunity to discuss why the approach has differed from the other infrastructure items on the list and how the determination was made as to which schools were included on the exclusion list and which were not.

The approach to educations seems particularly prescriptive and unlikely to provide the flexibility needed throughout a full plan period. It would seem to require regular review at short intervals if it to stay current and useful.

We would request that the draft r123 list is amended to reflect the position taken to exclusions on the rest of the draft r123 list.

Question 8. Do you have any other comments on the Draft Charging Schedule, or CIL Viability Assessment?

Additional Comments:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

None.

Examination

In order for the Council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:-

- I would like to be heard by the Examiner at the Examination
- I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- I would like to be notified of the publication of the recommendations of the examiner and reasons for those recommendations
- I would like to be notified of approval of the Charging Schedule by Harrogate Borough Council

Data Protection

The information you provide on the form will be stored on a database used solely in connection with the Harrogate District Council Local Plan, Community Infrastructure Levy and planning policy documents. Representations will be available to view on the council's website, but address, signature and contact details will not be included. However,

Representations must be received no later than 4.30pm Friday 22 February 2019

as copies of representations must be made available for public inspection, they cannot be treated as confidential and will be available for inspection in full.

Signature:

Date:

Please return the completed form by no later than 4:30pm on Friday 22 February 2019 to:

Planning Policy Team,
Harrogate Borough Council,
PO Box 787,
Harrogate
HG1 9RW

Or Email: planningpolicy@harrogate.gov.uk

Representations must be received no later than 4.30pm Friday 22 February 2019

The Planning Team
Harrogate Borough Council

By email:
planningpolicy@harrogate.gov.uk

Our Ref: Michael Reynolds
Your Ref: The Planning Team

Date: 5 July 2018

Michael Reynolds
Business and Environmental Services
East Block
County Hall
Racecourse Lane
Northallerton
DL7 8AD

Tel: [REDACTED]

Email:
[REDACTED]

Dear Sirs

Draft Preliminary Charging Schedule

Thank you for consulting North Yorkshire County Council (NYCC) on the Draft Preliminary Charging Schedule (DPCS). As a significant infrastructure provider across the County we have an important and unique perspective of the impact of CIL on the provision of large scale infrastructure.

Optimising funding opportunities

Of greatest importance to us as infrastructure provider is ensuring the various funding opportunities remain flexible and open to us. The funding gap identified is significant and likely to grow as schemes develop. In particular the flexibility to use s106 planning obligations to secure funding as well as CIL for highways, education and extra care infrastructure will be critical to the success of the developments. The acknowledgement of the need to use Section 278 of the Highways Act 1980 for delivery of mitigation is also welcomed although this will need careful consideration to ensure the restrictions placed on the use of S278 in the CIL regulations are not contravened.

Clarity

Maintaining the viability of developments whilst ensuring infrastructure provision requires clarity and a detailed understanding of the scope of the DPCS, the content and intention of the Regulation 123 list and the full extent of the charging zones with clear maps and plans. With this detail it is possible to understand the extent of the risk of 'double dipping' and breaching the pooling restriction caps.

With this in mind we believe it would be productive to schedule discussions with your planning policy team on the content of the DPCS. We would be grateful if you would confirm your agreement to that and perhaps offer some dates at your earliest convenience.

Any future discussion should also consider and incorporate as appropriate the content of the recent Government consultation on proposed changes to the CIL regime and the extent to which this DPCS relies upon those changes coming into force.

Prioritisation

The cost of the infrastructure contained in the Regulations 123 list is likely to exceed the £8.8m of expected CIL revenue. As you have highlighted, up to 30% of these funds could go to administration costs and to the Parishes. This leaves a reduced pot from which a number of different infrastructure projects will need to be delivered. We note from the Infrastructure Delivery Plan that an element of prioritisation has taken place in terms of ranking the importance of the identified infrastructure need. It would be helpful to begin discussions on this issue and add detail as developments come forward to ensure a balanced approach to prioritisation which best reflects the need to deliver infrastructure to mitigate the cumulative impact of development.

A full response from the Children and Young Peoples Services (CYPS) is reproduced below and some of the points raised in those responses are brought out here in response to the specific questions raised. All other North Yorkshire service areas have been consulted including North Yorkshire Highways Authority and Health and Adult Services who have contributed to this response.

CIL Viability Assessment

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment?

We find the CIL Viability Assessment methodology largely in keeping with other assessments of this type that we have been consulted on and can support the methodology and assumptions used subject to the following points which we raise for clarification:

Page 15 of the updated analysis includes the calculation for the capacity for CIL. It is unclear from the calculation diagram what is meant by 'mitigation measures'.

We have assumed that mitigation measures in this case refers to developer's onsite mitigation costs such as abnormal drainage costs or site clearance and not the cost of essential infrastructure such as highway mitigation measures or education provision. However, on page 21 of the PDCS a list of site specific matters to be met through s106 or s278 Agreements includes onsite drainage and flooding solutions. We would welcome clarity on this point.

NYCC acknowledge the importance of adequate affordable housing provision and the central role the provision has taken on the viability assessment. There is however, a concern that by placing provision of affordable housing on the 'same side of the equation' as developers profits that the provision of essential infrastructure and by extension the success of the site will be jeopardised. NYCC must ensure it is able to negotiate appropriate levels of essential infrastructure contribution from the developers. If it is unable to do so as a result of the prioritisation of affordable housing, the cost of the affordable housing would essentially be passed to us as infrastructure provider.

The CIL Rates

NYCC can broadly support the CIL rates put forward in the PDCS.

NYCC have interpreted the suite of documents to show Harrogate Borough Council's intention to only apply a relatively low level CIL against sites in the rural areas and smaller sites of less than 10 units in all areas. We expect therefore to be able to seek developer contributions of a sufficient level to adequately provide for the necessary infrastructure on larger urban sites.

NYCC would not usually seek contributions for education provision through Section s106 Agreements for developments of less than 10 units.

Question 2

Do you support the proposed CIL rates for new residential development?

Whilst the proposed CIL rate for residential property is low we acknowledge the prioritising of affordable housing in the area. CIL rates charged on residential developments in the surrounding Districts are generally speaking higher than £50 and indeed £50 could be considered low; particularly against an identified funding gap of £68 million which would be set to rise. However, with the expected CIL receipts to be in the region of £6m (after deductions) NYCC welcomes the opportunity to bridge the gap through other means of developer contributions. It is thought a larger levy would drain funds from the developers and still not provide sufficient funds to fill the gap. In most circumstances S106 will be a more effective way of funding development.

We welcome the apparent strategy to attach CIL to smaller house builders for whom S106 agreements can be time consuming and expensive. This is a good way to ensure these types of house builders are able to make a fair contribution in a simple way.

Some clarity is needed regarding the Sheltered Housing charge. The CIL viability assessment states that there is room for a CIL charge to be set against Sheltered Housing but not Extra Care facilities. This is not stated in the DPCS and it would be clearer if it did so.

We have also been made aware of a lack of clarity in the terms used within the sector and believe that a full description of what is intended to be included within the term 'Sheltered Housing' is necessary.

Whilst NYCC is not directly affected as infrastructure provider, concern has been raised that the level of the rate against Sheltered Housing by comparison to other forms of residential development could have a detrimental effect on the development of Sheltered Housing across the District.

The term 'distribution' is used in the residential section of the PDCS with a rate of £20 per sq.m. This is confusing and could perhaps be given a separate category.

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

NYCC welcome the overall approach but need clarity on some aspects of the charging zones supported by clear and legible mapping. The following point was raised by our CYPS representative.

We would welcome clarity on exactly where the main urban areas cover, and whether, for example, Killinghall, Hampsthwaite and Pannal would fall within the Harrogate urban area. We would request that Killinghall, Hampsthwaite and Pannal are included within the Harrogate urban area. For example, in 2018 alone, we have requested S106 contributions totalling £564,234 for planning applications in the Killinghall CE primary school catchment area, £271,920 for planning applications in Hampsthwaite CE primary school catchment area, and £628,815 for planning applications in Pannal primary school catchment area.

It is important for us to understand the capacity for us to continue to request these s106 agreements.

Full and clear maps or plans will be needed to remove any uncertainty about where CIL will be charged.

Question 4

Do you support the proposed CIL rates for non-residential development?

The rates for non-residential developments are significantly higher than residential. We have no concern with this in principle but note the recent high profile difficulties of high street stores and would recommend that this is reviewed if considered a barrier to the development of the high street over the coming years.

Question 5

Do you support the proposal to set the rate at £0 per square metre for all other types of development?

NYCC is happy with the overall setting of the CIL charge rates including setting other types of development at £0.

The Instalments Policy

Question 6

Do you support the Council's draft instalments policy?

NYCC can support the draft instalments policy.

Regulation 123 List

Question 7

Do you support the Draft Regulation 123 list?

NYCC has some concerns over the wording of the 123 list. Whilst supporting the approach in most areas, it does leave us with some specific funding issues.

It is vitally important to NYCC that the regulation 123 list is drafted in such a way as to allow us to continue to be able to seek S106 contributions from developers. The CIL receipts will be insufficient to cover the costs of the necessary infrastructure and NYCC must not be restricted by the double dipping provision.

We have interpreted the draft wording '*except for provision arising from site specific development needs*' as allowing NYCC to seek developer contributions through S106 agreements for the site specific development needs, in particular, highway mitigation and education provision.

Clarity is sought on the wording of the provision. Where a residential development site is of sufficient size to warrant an increased provision at the local primary school for example but is not big enough to warrant a new school in its own right, 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.

If this is not the case, there does appear to be a gap in how certain off site infrastructure requirements could be funded.

Highways mitigation required as a result of the cumulative impact of the developments across the District will not be picked up by this formula. CIL receipts are the ideal method for funding requirements of cumulative impact (for example junction improvements in Harrogate town centre) but given the relatively low revenue from CIL we are concerned that the CIL funds will be insufficient to address other requirements and the highways mitigation; this has the potential to leave severe cumulative impact on the highway network without mitigation.

As referred to above, our overall requirement for flexibility would mean that we need to be able seek other S106 and S278 agreements to fund rather than relying solely upon CIL receipts.

Again, we would welcome further discussion over the coming months and years on the prioritisation of the CIL funds as the developments come forward.

Question 8

Do you have any other comments?

In the section 'Continuing role for Planning Obligations' a list has been included of suggested site specific matters that would be needed to make the development acceptable in planning terms. We note the list is not exhaustive but nevertheless would welcome the inclusion of 'secondary schools/extensions arising from site specific development needs'.

The full response to the consultation from CYPS has been included at **Appendix 1**.

The overall strategy for the collection of CIL and the relationship with s106 planning obligations and works delivered via a S278 Agreement appears to rely on the government's recently consulted on proposals to relax or remove the pooling restrictions. If the proposals are not adopted it would be difficult not to be caught by the pooling restriction on both the larger urban sites and smaller sites of over 10 dwellings.

This is a concern which will need to be discussed together in the event that the proposals are not implemented.

As mentioned above we believe a meeting to discuss some of the issues brought out in this response would be useful to gain clarity and discuss in more detail the proposals put forward in the DPCS. We would be grateful if you could contact officers Michael Reynolds [REDACTED] or Mark Rushworth [REDACTED] to make the necessary arrangements.

Yours faithfully

[REDACTED]

David Bowe

Corporate Director - Business and Environmental Services

Appendix 1

Harrogate District Local Plan: Community Infrastructure Levy: Preliminary

Draft Charging Schedule

Response from NYCC CYPS

The NPPF emphasises the need to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities. There is a need to ensure that education contributions made by developers are sufficient to deliver the additional school places required to meet the increase in demand generated by new developments.

We note the letter from Brandon Lewis MP and Lord Nash to Local Authority Chief Executives in March 2016 which states that 'where major new housing developments create an *additional* need for school places, then you as the local authority should expect a substantial contribution from the developer towards the cost of meeting this requirement.'

The Education and Skills Funding Agency supports the County Council's approach to ensure developer contributions address impacts arising from growth.

The County Council is working closely with District Councils to understand the infrastructure impacts of proposals for housing to ensure that such developments are sustainable. The County Council has for many years had a policy of aiming to secure contributions towards education provision wherever possible. This has become significantly more challenging in the context of the Community Infrastructure Levy replacing to some extent the ability to secure s.106 contributions in respect of individual housing developments and rules around the pooling of contributions from multiple developments to fund pieces of infrastructure.

Where District Councils have adopted a CIL charging schedule that includes all developments within the district for all education infrastructure this introduces uncertainty that the need for school places arising from a housing scheme can be supported by developer contributions, potentially leaving the County Council with a major shortfall in meeting the full cost of providing education places. We have also experienced situations where planning applications determined under S106 are being resubmitted and so liable to CIL, effectively reducing the education contributions payable.

We note that the total identified infrastructure funding gap for the Harrogate District for works required to accommodate planned growth to 2023/24 is c£68 million, of which extensions to primary schools comprise £42.42m and extensions to secondary schools comprise £4.109M. The total projected revenue from CIL over the same period is c £8.8m, with 15% of this allocated to local (parish or town) councils.

Our reading of the proposed draft charging schedule for Harrogate District is that CIL charging will only apply to larger residential developments in rural areas and not in the main urban areas of Harrogate, Boroughbridge, Knaresborough, Masham, Pateley Bridge and Ripon; or for strategic sites at Boroughbridge (B4 (Land North of Aldborough Gate 171 houses), B12 (Land at Stumps Cross – 397 houses) and B21 (Land at Aldborough Gate – 178 houses)), Green Hammerton/Cattal New Settlement, West Harrogate (H49 (Windmill Farm), H51 (East of Lady Lane), H70 (East of Whinney Lane) allocations and H50 (Penny Pot), H46 (Bluecoats - part), H36 (Police Training Centre), H45 (Bluecoat Park) commitments), Manse Farm (K25 allocation and K31 commitment) and Ripon (R24 (Deverell Barracks), R25 (Claro Barracks), R27 (63 properties)). CIL charging will also be applied for less than 10 residential units in all areas of the borough.

We welcome the flexibility for continuing to retain S106 agreements for larger developments in the urban areas.

We would welcome clarity on exactly where the main urban areas cover, and whether, for example, Killinghall, Hampsthwaite and Pannal would fall within the Harrogate urban area. We would request that Killinghall, Hampsthwaite and Pannal are included within the Harrogate urban area. For example, in 2018 alone, we have requested S106 contributions totalling £564,234 for planning applications in the Killinghall CE primary school catchment area, £271,920 for planning applications in Hampsthwaite CE primary school catchment area, and £628,815 for planning applications in Pannal primary school catchment area.

In Table 5.1, the Draft Regulation 123 List on page 21, we note that there is a list of the matters which will continue to be addressed through S106 or S278 Agreements. This includes 'primary schools/extensions arising from site specific development needs' and we would wish to add 'secondary schools/extensions arising from site specific development needs' to this list.

Comment

Consultee Mr Tim Ross (1205838)

Email Address [REDACTED]

Company / Organisation O'Neill Associates

Address [REDACTED]

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by O'Neill Associates (Mr Tim Ross - 1205838)

Comment ID DCS26

Response Date 22/02/19 14:19

Consultation Point Community Infrastructure Levy : Draft Charging Schedule
([View](#))

Status Processed

Submission Type Email

Version 0.3

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: N/A

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: N/A

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: N/A

Please tick the relevant boxes:

- . I would like to be heard by the Examiner at the Examination
- . I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- . I would like to be notified of the publication of the recommendations of the Examiner and reasons for those recommendations
- . I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comment

Consultee	Mrs S Adamson (896117)
Email Address	[REDACTED]
Company / Organisation	Pateley Bridge Town Council
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Community Infrastructure Levy : Draft Charging Schedule
Comment by	Pateley Bridge Town Council (Mrs S Adamson - 896117)
Comment ID	DCS27
Response Date	21/02/19 14:24
Consultation Point	Community Infrastructure Levy : Draft Charging Schedule (View)
Status	Processed
Submission Type	Email
Version	0.2

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one:

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one:

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one:

Question 6

Do you support the Council's draft instalments policy?

Please tick one:

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one:

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

The Council would like to make the following comment:

It is clear that there are areas of the town that will not attract the CIL; however it would like a guarantee that for those areas that do, this Council will receive the promised 15% to spend as it feels appropriate. In addition it would like clarification about the Section 106 policy and how that will be implemented alongside the CIL.

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

From: Pateley Bridge Town Council [REDACTED]
Sent: 21 February 2019 20:28
To: Planning Policy
Subject: CIL draft charging schedule consultation response

Categories: CIL response

The Council would like to make the following comment:

It is clear that there are areas of the town that will not attract the CIL; however it would like a guarantee that for those areas that do, this Council will receive the promised 15% to spend as it feels appropriate. In addition it would like clarification about the Section 106 policy and how that will be implemented alongside the CIL.

Kind regards

Sarah Adamson

Clerk to Pateley Bridge Town Council

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

www.pateleybridgecouncil.org.uk

Comment

Agent Miss K Jukes (896046)

Email Address [REDACTED]

Company / Organisation Directions Planning Consultancy Ltd

Address [REDACTED]
[REDACTED]
[REDACTED]

Consultee Messrs Swires & Quarters Developments Ltd (1052196)

Address Nil
Nil
Nil

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by Messrs Swires & Quarters Developments Ltd (1052196)

Comment ID DCS28

Response Date 22/02/19 14:32

Consultation Point Community Infrastructure Levy : Draft Charging Schedule
([View](#))

Status Processed

Submission Type Email

Version 0.3

Files [Kathryn Jukes various clients_Redacted.pdf](#)

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: Object

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: Object

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: Object

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one: Object

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one: Support

Question 6

Do you support the Council's draft instalments policy?

Please tick one: Object

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: Object

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See supporting letter

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

- I would like to be heard by the Examiner at the Examination
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- I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comments received via email or letter

Comments received via email or letter are available here: [Kathryn Jukes various clients_Redacted.pdf](#)

**RESPONSE TO CONSULTATION
ON THE HARROGATE BOROUGH COUNCIL
COMMUNITY INFRASTRUCTURE LEVY**

PREPARED ON BEHALF OF VARIOUS CLIENTS



Prepared By:
Kathryn Jukes BA (Hons) DipTP MRTPI

[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]

22 February 2019

1.0 INTRODUCTION

Directions Planning Consultancy Ltd has been instructed by a number of clients to review Harrogate Borough Council's Community Infrastructure Levy consultation documents with a view to providing comments.

It should be noted that the interests of our clients are broad based given they are residents of the district, employers and developers of both commercial and residential properties. As such we have looked at the consultation documents with a view to ensuring they are robust, realist and reasonable. Our comments have not just been informed by the interests of our clients, but also with reference to planning policy and legislation.

2.0 COMMENTS ON THE DRAFT CHARGING SCHEDULE (JANUARY 2019)

Below we have structured our comments in response to the various sections of the Schedule.

2.1 Levy Rates

Table 1.1 sets out the recommended rates of CIL. We understand the different rates have been influenced by the impact of raising the levy on the viability of development. As such, the CIL rate for residential and retail properties has been divided into three geographic zones.

We are concerned that in relation to 'distribution development' the CIL rate is to be applied consistently across the district and for the purposes of distribution development there are no zones whereby different rates apply. This approach appears to ignore how the value of employment land varies across the district, just as residential property values also vary.

What is of greater concern is the lack of clarity running through all of the documents as to what sort of development is actually subject to the distribution charge listed under employment development. Is it B8 or any development that has an element of distribution in its operations? Having read the supporting reports we have simply been unable to find an answer to our question. In particular, the Viability Assessment (May 2018) provides no helpful clue, as it simply refers to "distribution uses are only likely to come forward along the A1 corridor." We would welcome greater clarity in relation to the types of development to which the levy will apply.

2.2 Zoning

The zoning to be applied in relation to residential properties suggests how the main urban areas across the district are to be grouped together within zone 2. We believe this is inappropriate because land and property prices vary greatly between the main settlements, which has not been fully acknowledged within the Viability Appraisal.

Property prices in Ripon and Boroughbridge are lower than in Harrogate, which means in turn that profit margins are less due to costs remaining the same. As such, the Viability Appraisal should be reviewed in order to introduce a greater level of sub-area analysis to understand the variation in viability across the district.

The lack of sub-area analysis and appreciation of the different characteristics found across the district is a common theme of the drafting of the Local Plan, and it was raised at the recent Examination by the Inspector. In particular, in relation to housing distribution whereby the housing needs of the AONB have not been specifically assessed and reflected within the

housing requirement. The implication being that the AONB designation has not been given sufficient weight and instead the availability of land within villages across the district, irrespective of landscape designations, has been given greater priority.

2.3 Funding Gap

Table 2.1 sets out the funding gap that has been identified in relation to the delivery of infrastructure whereby a gap has been identified of at least £98 million.

The Schedule does not appear to acknowledge that a lot of the key infrastructure requirements arise from the impact of development on the locality rather than the impact of development on the district as a whole. For example, improvements to the A59/A1(M) junction only arise as a result of development along the A59 corridor. However, the costs are to be factored into the CIL on a district wide basis, which means that development will not necessarily benefit from the infrastructure it contributes to, especially in relation to local road improvements. Surely some of the items would better be retained as S106 matters given the very local benefit they will deliver?

We're also concerned how little work has been completed on the availability of public funding to narrow the funding gap. At the moment, the Government, Homes England and LEP all have funding available to help facilitate development and to address constraints to development, including infrastructure. The funding gap is therefore likely to be much smaller than identified, especially in relation to the level of funding required from private development. We would therefore suggest further work is required before the Schedule is finalised to ensure it is up to date and as comprehensive as is reasonably possible.

2.4 Neighbourhood Plans

Within the CIL Revenue Projections section on page 20 reference is made to how Parish Councils will receive 15% of CIL receipts except where there is an adopted Neighbourhood Plan. Where there is an adopted Neighbourhood Plan then those Parish Councils will receive 25% of CIL receipts.

It should be remembered, and it may be worth making the point within the next version of the Charging Schedule, how not all of the zones are subject to Parish Councils. For example, Harrogate does not have a Parish Council and so none of the receipts received from development within Harrogate will need to be shared. This means the revenue projection does not need to be further reduced by 15% as a minimum. This is on the basis that the reality is the greatest proportion of development is to be directed to Harrogate where the local planning authority will receive 100% of the funds. The Schedule does not however take into account the true impact of the allocation of the funds to Parish Councils or the spatial distribution of the funds. We would therefore ask that this matter is looked at in more detail because we believe it will have a material impact on funding for Harrogate based projects.

2.5 Financial Contributions

Table 3.3 refers to financial contributions towards the provision of open space and village halls that is collected by way of unilateral undertakings. The supporting text suggests the Council currently operates the commuted sums policy, but this is not true as the contributions have not been sought since CIL legislation came into effect. We therefore believe it is misleading to suggest the Council still operates the policy.

Additionally, we do not believe village halls are necessary infrastructure. Instead, we believe it is more appropriate to allow Parish Councils to use their receipts to build new village halls, if their community wishes to have one. Not every Parish requires a village hall and it is simply not realistic to imagine CIL will raise sufficient funds to allow enough new village halls to be built to ensure every Parish has one. We would therefore request that village halls are removed from the list and taken out of the calculations.

In relation to open space, we understand that the Viability Assessment for S106 agreements suggests a cost of approximately £2000 per dwelling. This appears to be much higher than the average amount paid towards provision where planning permission has been granted as set out within the Planning Obligations Evidence Table (May 2018). We can only imagine that the gap is because the Viability Assessment expects every development to make a financial contribution whereby the reality has been most developments deliver open space requirements on site thereby foregoing the need to make a payment.

2.6 Instalment Policy

Table 4.1 sets out the draft instalments policy. Whilst we welcome the intention to introduce instalments, we are concerned with how the draft policy frontloads the installed payments. Most development requires finance and so to front load the payments will add to the initial costs of development, which in turn will increase the amount of interest paid in relation to the borrowed sum of money. Given the length of time most development takes to construct then the payments will introduce an unnecessary financial burden that can be avoided by pushing the instalments further into the build programme. There is no legislative requirement for the instalments to be paid on or close to commencement of development, so we cannot see how frontloading can be justified.

The burden of the additional interest that would be accrued as a result of the timing of the first instalment could be materially reduced even if the first payment were to be moved to month 6 in relation to sums less than £50k and 120 weeks in relation to greater sums. This in turn would aid the viability of development. We understand it is typical of local planning authorities to frontload payment of the instalments, but just because other Council's adopt this position does not justify it in relation to Harrogate. Especially, as the costs associated with development in Harrogate are greater than neighbouring districts due to the higher land values. In turn this means development has higher upfront costs and therefore borrowing requirements are greater to be able to make a material start. Waiting an extra three months is unlikely to have any material impact on the ability of the Council to deliver the identified infrastructure, but it could make a real difference in the viability of development. We would therefore ask that the instalment policy timings are extended.

2.7 Regulation 123 List

Table 5.1 sets out the matters to be covered by Regulation 123 in terms of the infrastructure projects that the Council intend to be funded by CIL. We are concerned with how the infrastructure types and projects listed do not use the same wording as found in section 216 of the Planning Act 2008, which defines the types of infrastructure that are covered by CIL. As such, we are concerned how projects that are not intended to be covered by the CIL Regulations may end up being funded. In particular, section 216 refers to "sports and recreational facilities" yet the Council's list refers to "community, cultural and leisure facilities".

Within the definition of recreational facilities, we do not believe that either community or cultural facilities would be included. Cultural facilities might broadly cover churches, libraries, concert halls and museums which are not recreational facilities given they lend themselves to the pursuit of knowledge rather than recreation.

In addition, “health facilities” listed within the Charging Schedule are not the same as “medical facilities” as referenced in section 216. If the Schedule is to be consistent with the legislation then it should be amended to conform with the appropriate terminology. Particularly, to ensure the Schedule does not lead to misinterpretation. A point in hand of how misinterpretation might occur is in relation to how the Submission Infrastructure Delivery Plan 2018 under paragraph 5.2 discusses mental and social care provision. Such provision is not medical care, and the Community Care Teams referred to are certainly not medical care. We therefore believe the definition and scope of infrastructure addressed within the Charging Schedule needs to be reviewed to ensure it is in line with legislation. In doing so, we would then expect the funding gap to be reviewed with a view to determining whether certain matters should be excluded.

In relation to “Public Realm Improvements” we cannot in the slightest make the connection between “environmental improvements to enhance the appearance, safety and security of the public realm” with any of the matters considered to be infrastructure, as listed under section 216. Consequently, we would suggest the terminology of the Planning Act 2008 should be used as there really is no requirement to use different terms when section 216 quite succinctly provides a label for each type of infrastructure.

We are also at a loss to understand why the heading has been included, along with “Green Infrastructure”, “community, cultural and leisure facilities” given there are no projects listed against these headings in the Delivery Plan Submissions Update (August 2018). If there are no projects under certain headings then we see no point in the headings being included.

We question why the list is quite so general and why no specific projects are mentioned despite the word ‘projects’ appearing in the column heading. Especially, as *“where the regulation 123 list includes a generic type of infrastructure, section 106 contributions should not be sought on any specific projects in that category.”* If this is the case then we would suggest it would be more sensible to narrow the categories within the 123 list so as not to exclude the opportunity to collect S106 monies, where appropriate.

In addition, planning is concerned with buildings, land and structures rather than the uses that go on inside. We are therefore concerned with how reference is made to funding the use of space rather than limited to the funding the actual buildings and establishing the structures required to house the use. In particular, our comments relate to Health where mention is made to Community Care Teams. Community Care Teams should not be funded from CIL because they are beyond the scope of the intention of the levy. However, it would be appropriate for CIL monies to be spent on providing a building for their use. We believe this point needs to be clarified and it should be made clear how the use of any building or land will not be funded from CIL.

3.0 SUBMISSION INFRASTRUCTURE DELIVERY PLAN 2018

Within the Submission Infrastructure Delivery Plan 2018 the necessary infrastructure required to underpin the implementation of the Local Plan's growth strategy is set out. The document raises several issues.

Primarily, the nature and extent of the infrastructure identified within the Delivery Plan is rather limited when compared to the 123 Regulation list. In particular, the 123 list includes reference to community, cultural and leisure facilities; green infrastructure; and public realm works yet there are no projects identified as part of the Delivery Plan. We therefore question whether it is reasonable or relevant to include reference to matters that are not necessary to facilitate development.

Additionally, we are concerned how the full extent of the infrastructure required in relation to sewage works has not been fully investigated or accounted for in the costs on development. The current foul water network serving Harrogate is at capacity. Yorkshire Water has made clear over the last few years how the system has no spare capacity and needs to be upgraded in order to accommodate further planned development across the town. In particular to serve the additional 3500 dwellings allocated to the west and south of Harrogate.

Yorkshire Water has not yet identified in full the volume of additional capacity required or how it might be accommodated as the Asset Management Review process has not yet begun. As such, Yorkshire Water has not yet determined whether the existing system can be upgraded or if a new pipeline needs to be installed to arc around the west and south of Harrogate. The Delivery Plan mentions increasing capacity but it does not mention the very real option of a new pipe needing to be laid.

Increasing capacity either through a new or enlarged pipe is absolutely essential because the current system is inadequate and it is causing incidences of water pollution within the Becks surrounding Harrogate. We have previously supplied evidence of the pollution problem as part of Local Plan representations. Attempting to feed more foul water into the existing system will not only increase the incidences of water pollution, but it will also raise the risk of flooding to existing properties within Harrogate where open water courses run through gardens. These properties already have to be cleaned of solid waste and paper following rainfalls due to breaches in the system and the incidences can only increase if the volume of foul water entering into the system is increased.

Given the current lack of understanding of what sewage works are required to facilitate development then we cannot see how the Delivery Plan realistically identifies the necessary infrastructure to support the Council's growth strategy. Also, without the costing there is a question as to whether the levy has been set at a reasonable level.

We understand that the provision of infrastructure relating to foul and clean water is the responsibility of Yorkshire Water, who are also required to finance its provision. However, Yorkshire Water do charge developers for new connections into the system and there are also license charges for discharging. As such, the cost of undertaking works to both clean and foul water need to be taken into consideration in order to ensure viability is tested in an appropriate manner. Without the costs included in the Delivery Plan we therefore question

whether the levy charges are reasonable because the viability appraisal does not include the full costs to be incurred on future development.

4.0 VIABILITY ASSESSMENT

In relation to the Viability Assessment we believe it was last updated in May 2018, but it now needs to be updated again due to the impact of wider economic circumstances on both property prices and costs. The uncertainty created with Brexit means property prices have started to soften over the last six months, and the supply and demand for properties has also been affected. The effects of Brexit have not, however, been felt yet in full. As a result, we believe adoption of CIL should be postponed until the politics have played out and the extent of the economic impacts have been realised.

Development creates jobs and also a commodity that can be traded, and so to introduce an additional factor that has the opportunity to influence the property sector at a sensitive time would not appear to be sensible for the wider economy of the district. We would therefore encourage further thought to be given to the potential implications on the delivery of new homes and the impact on development viability due to current wider economic conditions.

4.1 Distribution

Paragraph 6.23 suggests the CIL should be set so the residual value should be more than 50% of the viability value. However, in the case of distribution development this assumption that has been used to underpin the setting of the CIL rates has not been adhered to. On page 40 of the Viability Assessment the residual value for greenfield sites is shown to be £414k in respect of a CIL charge of £20 per sq m or £552k before the charge is levied where the viability threshold of the site is shown to be £330k. A simple calculation quickly uncovers how £330k is not half of either £414k or £552k. We cannot see how a rate of £20 per sq m can subsequently be considered to be viable on the premise of the Council's own consultant's work. Paragraph 6.37 attempts to justify the rate of £20 per sq m on the basis that it would represent 50% over the viability threshold, but we strongly disagree.

Additionally, the paragraph suggests the rate is further justified because it would only be 15% of land value. We are not sure how the land value is relevant given the value of land in isolation does not dictate viability without being considered in the round alongside costs and profit margins.

It is also simply supposition to suggest landowners in Harrogate District will accept a 25% fall in land price following the introduction of CIL just because landowners in Greater Norwich (paragraph 6.25) were willing to do so. What consultation has taken place with landowners or agents within Harrogate to determine the willingness of landowners to sell land below current values? Without such evidence the CIL cannot be considered to be fully justified.

We would suggest a levy should not be raised on distribution uses on the basis that the level of viability is not acceptable or consistent with the methodology, and the assumptions on which the judgement has been made are not proven.

As the definition of 'distribution' has not been fully explained then we are unsure on what basis the calculations have been based. We are particularly unsure whether the consultants who prepared the viability assessment understand the different use classes and how each

commands a different value. Further explanation and clarity is therefore required in order for the CIL to be robust due to the level of uncertainty and confusion raised by the terminology and the potential consequences that naturally flow into the assessment of viability.

5.0 HARROGATE LOCAL PLAN EXAMINATION

Before proceeding further with the CIL process, we believe the full suite of documents concerning CIL will need to be updated in response to the Inspector's recommendations in order to reflect alterations to the number and spatial distribution to the allocations and the subsequent infrastructure requirements. Consequently, we look forward to having further opportunity to comment.

6.0 CONCLUSION

We would be happy to discuss our comments further if it would be helpful to the process.

**CONSULTATION RESPONSE FORM:
Community Infrastructure Levy (CIL)**

**Draft Charging Schedule 2019 Consultation
11 January – 22 February 2019**

Please return the completed form **by no later than 4.30pm on Friday 22 February 2019** to:
Planning Policy team, Harrogate Borough Council, PO Box 787, Harrogate HG1 9RW
or email: planningpolicy@harrogate.gov.uk

This form can be submitted online or downloaded at <https://consult.harrogate.gov.uk/portal/>

1. Personal Details	
Title	
First Name	
Last Name	
Organisation (where relevant)	Quarters Developments
Address – line 1	C/o Agent
Address – line 2	
Address – line 3	
Address – line 4	
Address – line 5	
Postcode	
E-mail Address	
Telephone Number	

2. Agent's Details (if applicable)
Ms
Kathryn
Jukes
Directions Planning Consultancy
23 Victoria Avenue
Harrogate
HG1 5RD
[REDACTED]
[REDACTED]

Question 1. Do you support the methodology and assumptions used in the CIL Viability Assessment?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Question 2. Do you support the proposed CIL rates for new residential development?

Please tick one:

Support

Object

✓

N/A

Please suggest alternate rates (if relevant) and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Question 3. Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Question 4. Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail warehouses)?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Question 5. Do you support the proposal to set the rate at £0 per square metre for all other types of chargeable development?

Please tick one:

Support

✓

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Question 6. Do you support the Council's draft instalments policy?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Question 7. Do you support the Council's draft Regulation 123 list?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Question 8. Do you have any other comments on the Draft Charging Schedule, or CIL Viability Assessment?

Additional Comments:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Examination

In order for the Council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:-

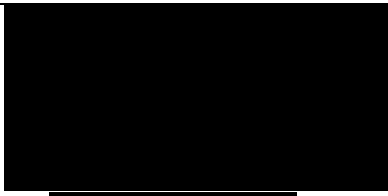
- I would like to be heard by the Examiner at the Examination
- I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- I would like to be notified of the publication of the recommendations of the examiner and reasons for those recommendations
- I would like to be notified of approval of the Charging Schedule by Harrogate Borough Council

Data Protection

The information you provide on the form will be stored on a database used solely in connection with the Harrogate District Council Local Plan, Community Infrastructure Levy and planning policy documents. Representations will be available to view on the council's website, but address, signature and contact details will not be included. However, as copies of representations must be made available for public inspection, they cannot be treated as confidential and will be available for inspection in full.

Representations must be received no later than 4.30pm Friday 22 February 2019

Signature:



Date: 22nd February 2019

Please return the completed form by no later than 4:30pm on Friday 22 February 2019 to:

Planning Policy Team,
Harrogate Borough Council,
PO Box 787,
Harrogate
HG1 9RW

Or Email: planningpolicy@harrogate.gov.uk

Representations must be received no later than 4.30pm Friday 22 February 2019

Comment

Agent	Jane Beckett (1054651)
Email Address	[REDACTED]
Company / Organisation	Barton Willmore
Address	[REDACTED] [REDACTED] [REDACTED]
Consultee	Mr Graham Richardson (927231)
Company / Organisation	Richborough Estates
Address	nil nil nil
Event Name	Community Infrastructure Levy : Draft Charging Schedule
Comment by	Richborough Estates (Mr Graham Richardson - 927231)
Comment ID	DCS29
Response Date	22/02/19 14:40
Consultation Point	Community Infrastructure Levy : Draft Charging Schedule (View)
Status	Processed
Submission Type	Email
Version	0.2
Files	Richborough Estates_Redacted.pdf

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one:

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one:

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one:

Question 6

Do you support the Council's draft instalments policy?

Please tick one:

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one:

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

Comments received via email or letter

Comments received via email or letter are available here:

[Richborough Estates_Redacted.pdf](#)

Representations to the Harrogate Borough Council Community Infrastructure Levy: Draft Charging Schedule

Prepared on behalf of Richborough Estates

February 2019

**Representations to the Harrogate Borough Council Community Infrastructure Levy:
Draft Charging Schedule**

Prepared on behalf of Richborough Estates

Status:	Draft	Final Draft	
Issue/Rev:	01	02	
Date:	February 2019	February 2019	
Prepared by:	JB	JB	
Checked by:	CK	CK	
Authorised by:	CK	CK	

Barton Willmore LLP
14 King Street
Leeds
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Ref: 25648/A5/CILREPS/JB

Date: February 2019

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Tables:

Table 1:	Residential Draft Charging Schedule
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1.0 INTRODUCTION

- 1.1 These representations have been prepared by Barton Willmore on behalf of Richborough Estates (hereafter referred to as the 'Client') in response to the Harrogate Borough Council Community Infrastructure Levy: Draft Charging Schedule (January 2019) and associated evidence base documents which are subject to consultation from Friday 11 January 2019 to Friday 22 February 2019.
- 1.2 Our Client has a keen interest in the future development of Harrogate and is grateful for this opportunity to engage in the forward planning process. Our Client wants to ensure that the emerging Community Infrastructure Levy Draft Charging Schedule is fair and reasonable and is based upon sound viability evidence, to ensure that development with the Borough is not unduly prohibited. Our Client is pleased to have the opportunity to positively engage with Harrogate Borough Council (hereafter referred to as the 'Council') to help it achieve a robust Community Infrastructure Levy (CIL).

About Richborough Estates

- 1.3 Richborough Estates is one of the UK's most successful strategic land promotion businesses whose aim is to work in partnership with local communities, councils and other local stakeholders. Working across the country, their projects range from large urban extension sites to smaller developments of 75 – 100 dwellings.
- 1.4 Richborough Estates oversee entire planning processes from start to finish and seek to work closely with local communities, planning officers and councils to create the most mutually beneficial schemes.
- 1.5 Our Client has land interests in the following locations within the Borough:
- Land north of Granby Farm, Harrogate (H22); and
 - Land north of Kingsley Farm, Harrogate (H23).
- 1.6 Our Client has previously made representations to the CIL: Preliminary Draft Charging Schedule and these representations are referred to and referenced within this statement. a short summary is provided below.

Previous Representations to the CIL: Preliminary Draft Charging Schedule Summary

- 1.7 Our client firstly welcomed the Council's decision to introduce CIL in the Borough as this gives developers a clearer idea of the potential costs associated with the development of their land interests.

- 1.8 However, several points of clarification were raised to ensure the schedule could be found sound. These points of clarification included the definition of certain terminology, confirmation of CIL zones and boundaries, the need to be specific in the Regulation 123 List, especially in relation to highways infrastructure.
- 1.9 One matter raised was the definition and boundary of the Main Urban Areas, with particular regard to Harrogate. Given the lack of definition or clarification within the consultation documents and evidence base, explanation was sought from Policy Officers via telephone in July 2018 on this point so our Client could understand how their sites are affected by the proposed CIL. It was confirmed by Harrogate Borough Council Planning Policy Officers that the Main Urban Area was the new Local Plan development limit boundaries, and not the previous Unitary Development Plan development limit boundaries. It was on this basis that our Clients previous representations were written and formed.
- 1.10 Review of the current CIL: Draft Charging Schedule consultation documents and evidence base now provides clarification of the Main Urban Area Boundaries and deviates from that position previously confirmed by Officers. Our detailed comments on this matter are provided later within these representations. Our Client had previously supported the proposed CIL Zones and boundaries, however this support was based on a different scenario and understanding. We therefore wish to withdraw the previous support on this matter.

Examination: Confirmation of Attendance and Correspondence

- 1.11 On behalf of our Clients and in line with the questions set out as part of this consultation, we can confirm that:
- We would like to be heard by the Examiner at the Examination;
 - We would like to be notified that the Draft Charging Schedule has been submitted to the Examiner;
 - We would like to be notified of the publication of the recommendations of the examiner and reasons for those recommendations; and
 - We would like to be notified of approval of the Charging Schedule by Harrogate Borough Council.

2.0 CIL: DRAFT CHARGING SCHEDULE (January 2019)

- 2.1 As highlighted previously, in general our Client welcomes the Council's decision to introduce CIL in the Borough as this gives developers a clearer idea of the potential costs associated with the development of their land interests. However, they believe it is vital to ensure that the Council's proposed CIL charging schedule is based upon sound evidence and that the assumptions that are made are fair and reasonable and do not lead to a scenario whereby many housing sites across the Harrogate Borough will be unviable. Ultimately the document and its evidence base need to be sound in line with the tests set out in the NPPF and NPPG guidance.
- 2.2 Our Client's comments regarding the contents of the draft charging schedule are set out in this section of the representations. The Council have prepared a response form with eight questions. These questions are used and answered below.
- 2.3 Firstly however, there are a few general points that need to be addressed.

Scope of CIL

- 2.4 In the 2016 *Whole Plan Viability Study*, one of the conclusions at 12.8 (b) was that there was limited scope to introduce CIL on greenfield sites at 40% affordable housing and that reduced affordable targets would need to be reviewed and viability work updated. This paragraph states:

"The development represented by the greenfield typologies is generally viable at 40% affordable housing across the Borough. At 40% there is limited scope to introduce CIL except on the smaller sites. If the Council is going to require CIL to fund infrastructure then it would be necessary to consider a reduced affordable target of 35% or 30%, although the impact of Starter Homes will be a pertinent issue to consider in this context and it is recommended that the viability evidence is updated prior to the Council considering a change to the target."

- 2.5 Whilst a new threshold for affordable housing has been introduced for brownfield sites, there has been no reduction for greenfield sites. The 2018 *Local Plan Viability Update and CIL Viability Assessment* updates the viability of the Local Plan and assesses the implication of CIL. The methodology and assumptions have remained the same as the 2016 study except when specified, however we consider that a short update report is insufficient to assess the viability of CIL together with all the other Local Plan requirements given the significant changes since the 2016 *Whole Plan Viability Study*. These changes include but are not exhaustive of the list below:

- National Consultation on changes to the NPPF, PPG and CIL Regulations in March 2018;
- Updates to Local Plan Policies including the increase of Adaptable and Accessible Homes standards to 25% from 10% in draft policy HS1, the update of policy HS2 to include 30% and 40% thresholds for brownfield and greenfield sites as well as the uncertainty over the sites to be allocated which have been the basis of the CIL assessment and modelling.
- Updates to the Infrastructure Delivery Plan (IDP) and the uncertainty over several of the items of infrastructure still which includes critical items. This mainly relates to cycle and footpath schemes as well as utility works such as water, gas and electricity works.
- The change in the housing market and house prices as well as the increase in inflation;
- The change of building costs.

2.6 The CIL regulations and PPG are clear that CIL rates should be set at a level at which most developments are viable and are also not set at the very margin of viability so that they may remain robust over time as circumstances change. Given the statement in the 2016 Viability Study which indicates that there is only a limited scope to introduce CIL on greenfield sites, it is hard to comprehend how the 2018 update which increases policy requirements for greenfield sites can demonstrate how these sites can also bear CIL following this statement in the 2016 study and without a full viability review and justifiable evidence of the Local Plan and the updated circumstances.

The Infrastructure Funding Gap

2.7 In order to introduce CIL, Local Planning Authorities need to demonstrate that there is a shortfall in funding between the CIL funding Gap between the expected total cost of infrastructure needed to support development in the Borough over the plan period and the level of funding likely to be forthcoming from other sources of funding for infrastructure.

2.8 The Council have identified an infrastructure funding gap in Appendix 2 of the Draft Charging Schedule, and whilst we do not dispute there is a funding gap, we do have some concerns regarding the funding gap evidence and assumptions used. Appendix 2 of the Draft Charging Schedule states:

"Using the information from the Draft Charging Schedule, it is projected that CIL could be applied to 1765 dwellings at a rate of £50/sq m. These dwellings are allocated in the emerging Local Plan and are located within the charging zone. This number is likely to increase however due to windfall sites, density, capacity of sites etc. This assessment projects that the Council could expect to generate in the order of £8.8m of funding for infrastructure through CIL. Under the regulations, a charging authority is

able to deduct 5% from CIL revenue to cover the administration and implementation of CIL. This would therefore reduce the figure to approx £8.3m."

- 2.9 Within the evidence provided, there is no evidence to show what sites make up the 1765 dwellings stated above. It is not clear that the number of units highlighted above is consistent with all the sites in Zone 1 (the only residential zone which incurs a CIL charge). Clarification on the calculation of the funding gap needs to be set out to provide the evidence required to understand the extent of the infrastructure funding gap.
- 2.10 Given the timing of the Local Plan preparation which has not yet been adopted, and the fact that during the examination in public on the Local Plan, it was demonstrated that the Council are overproviding dwellings in the plan period, some sites and dwellings may be discounted and not allocated moving forward. Likewise, some of the infrastructure set out in the IDP, may not be necessary if the level of homes proposed do not come forward.
- 2.11 Given CIL and its calculations are based on the proposed development within the Local Plan, the funding gap and CIL requirement calculations will most likely not be consistent with the evidence provided in the next few months if the Local Plan is updated. A key issue is therefore the timing of the CIL Draft Charging Schedule being consulted on prior to adoption of the Local Plan and the modelling of CIL based on the proposed allocations. It would have been sensible to have waited and at least received comments from the Inspector on the proposed residential allocation sites given there could be serious doubts over the sites tested in the CIL evidence, if and when residential allocations are removed. The CIL evidence could at this point be out of date instantly and will need to be reviewed and consulted on before the submission of the Draft Charging Schedule for consultation to ensure it is based on sound robust evidence.
- 2.12 Furthermore, there is no evidence on what house types or size is used to calculate the £8.8 million from the 1765 dwellings highlighted. To make the document sound and based on robust, justifiable evidence, the calculations and detail on the assumptions used need to be set out clearly within Appendix 2 or within supporting evidence.
- 2.13 We accept that the Council have the ability to use up to 5% of the CIL monies to help administer CIL and monitor it through the plan period. The Council through the Draft Charging Schedule state that they will use the 5% but there is no evidence to show if the whole 5% of monies is required by the Council for the administration of CIL and how it will be spent. i.e. a new dedicated CIL officer (even though the Council already have a CIL officer in place), or the funding of technology and IT systems etc. This 5% figure based on the current infrastructure funding gap calculations will no doubt alter in light of the above change in sites and the emerging Local Plan, however, information on how this money will

be spent will help justify the 5% taken by the Council in light of the still significant funding gap identified for infrastructure required over the plan period.

- 2.14 The standard questions set out by the Council will now be answered below:

Question 1 – Do you support the methodology and assumptions used in the CIL Viability Assessment?

- 2.15 The methodology used in the Viability Assessment is set out at Chapter 2 and 3 of the Whole Plan Viability Assessment (September 2016), and is then updated in the Local Plan Viability Update and CIL Viability Assessment (May 2018, reissued in January 2019). We have some concerns regarding the assumptions and how they impact upon viability of sites.

Range of Sites Assessed

- 2.16 Both the Whole Plan Viability Assessment (September 2016), and Local Plan Viability Update and CIL Viability Assessment (May 2018, reissued in January 2019) sets out the range of sites assessed. This includes sites in the whole of the Harrogate Borough excluding Ripon and separate sites assessed for Ripon.
- 2.17 The differential rates for Ripon to the rest of Harrogate Borough is only identified in the 2016 Whole Plan Viability Assessment which indicates that there are lower house prices in Ripon and hence the exception from CIL for adjacent greenfield sites. This explanation is not set out in the Draft Charging Schedule or the updated 2018 Local Plan Viability Update and CIL Viability Assessment. The distinction between the areas is therefore not easily understandable or found within the CIL documentation. Clarity and transparent evidence on the areas should be provided within the Draft Charging Schedule to help the document be as effective as possible.
- 2.18 This exemption for Ripon has also been based on house prices for the area as a broad approach. Land Registry data on average house prices have been used. It is not clear on the exact boundary of the areas used to define these average house priced settlements/other areas. However, house prices vary dramatically over the Borough and the lower priced areas are not just reflective in Ripon. Ripon also has affluent and higher priced areas on its outskirts, therefore the generalisation for Ripon is not considered justified. When looking at the average house prices, Ripon is also reflective of Boroughbridge house prices as set out in the 2016 viability study and also from market research is reflective of some areas in Harrogate and Knaresborough as well. The generalisation approach to exclude sites within and adjacent to Ripon (including greenfield sites) from CIL is not justified given there are very similar market areas and conditions across the Borough. The lack of evidence on these

assessed areas does not provide a comprehensive review of house prices in the Borough and the areas reflected in the CIL zones. The lack of new build properties assessed in the 2016 viability report also impacts how the Ripon sites have been assessed and the soundness of the evidence to support the CIL rates. At this time of assessment (2015/16) there were a limited amount of new build houses built and assessed. Given the number of developments permitted and new build homes completed since the 2016 assessment, this is an element which should have been factored in and modelled further to assess CIL in the 2018 assessment. The only update on new build houses is a generic average house price update in table 4.2 of the 2018 viability update which looks at the Harrogate Borough average based on Land Registry data.

- 2.19 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 various areas across the Borough to get a better understanding of how CIL will impact the viability of sites.
- 2.20 As highlighted above, there have been a range of sites tested within the viability assessments to model CIL, however the PPG makes it clear that when testing sites for viability that key sites/types of sites and the types of development that will actually get built are tested. Given the uncertainty of the housing allocations proposed in the emerging Local Plan and the question over buffer to be adopted in the Local Plan, this raises questions over the sites assessed in the Local Plan Viability Update and CIL Viability Assessment (May 2018, reissued in January 2019 and whether they are representative as a whole.
- 2.21 The viability evidence-based documents are clear that the sites assessed are a range from the emerging Local Plan. However, given the Inspectors comments to date and the discussions undertaken at the Local Plan examination, it is clear that there are serious concerns and doubts over 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.
- 2.22 Furthermore, the majority of sites proposed in the emerging Local Plan which will deliver the housing required in the emerging Local Plan have yields of between 50 units and 200 units. These are the typical and key sites which will bring forward the planned development within the Local Plan. These sites make up over 37 allocated sites and a significant proportion of the proposed housing in the emerging Local Plan.
- 2.23 However, only two types of sites within these yields have been tested. Both are greenfield sites which are identified as agricultural land with proposed yields of 75 and 130 units

respectively (Sites 7 and 8). Given that such a high proportion of sites within the emerging Local Plan have yields of between 50 and 200 units which are classified as medium sized sites, further evidence and a more comprehensive range of sites should have been tested to justify and explore the viability of these types of sites to provide robust and sound evidence. This needs to be done to be in accordance with national policy which states that *"a charging authority should directly sample an appropriate range of types of sites across its area."*

- 2.24 The viability assessments (2016 and 2018) are claim that they are based on the emerging Local Plan and the sites tested are a range from the Plan. Therefore, you would expect further evidence on the key and typical sites which will be brought forward rather than a select few from each type of category (small, medium, large, greenfield, brownfield etc).
- 2.25 Furthermore, there have only been agricultural sites assessed for these medium sized sites which make up a significant proportion of the proposed housing allocations. No paddock sites have been assessed so there is no viability scenarios modelled for sites of this size which are existing paddock land. Our client's site H22 is located on equestrian grazing and paddock land which has higher land prices per hectare than agricultural land and this element (paddock land values on medium sized sites) has not been considered. The Draft Charging Schedule and evidence documents highlights that *"the typical site in the local authority area should be able to bear whatever target or requirement is set and the Council should be able to show, with a reasonable degree of confidence, that the Development Plan is deliverable."*
- 2.26 Whilst we understand 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. It is considered that 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.

Strategic Sites

- 2.27 In light of our point above, national planning policy guidance highlights that strategic sites should be focused on sites which the relevant Plan relies upon. However, there is no definition of Strategic Site within national guidance. It is highlighted at paragraph 2.8 (iv.) of the 2018 *Local Plan Viability Update and CIL Viability Assessment Study* that it was decided by the Council that they would consider all sites of over 500 dwellings as strategic sites.
- 2.28 There is no rationale or robust evidence to support the threshold of 500 units and no explanation of why these are strategic sites or sites which are key to the deliverability of the

plan. It is considered that there are many smaller sites which are key to the deliverability of the plan and just as important as the larger yield sites given, they will be able to deliver the local housing needs in the short term. Further justification and evidence is required to demonstrate the threshold of 500 units as strategic sites and 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.

Section 106 Assumptions

- 2.29 As highlighted in paragraph 8.14 of the 2018 *Local Plan Viability Update and CIL Viability Assessment Study* the Council is still likely to seek some Section 106 contributions from developments (subject to CIL Regulations 122 and 123) after the adoption of CIL. CIL monies will contribute towards infrastructure on the Councils adopted Regulation 123 list and then S106 monies will be required if there is any site-specific infrastructure required as a result of the development of that specific site not on the Regulation 123 list. There is still an uncertainty over what infrastructure will actually be included within the Regulation 123 list but that is commented on later in this report.
- 2.30 For the sake of the viability assessments, the authors have assumed a s106 payment of £2,000 /unit across all sites other than the large 'strategic' sites plus CIL. This however is not justified or reflective of the evidence provided. Table 6.6 of the 2016 Whole Plan Viability Report sets out examples of *Recent Sales of Development Land* which provides details of S106 costs and s106 costs per dwelling. Looking solely at the five greenfield sites assessed, three out of the five examples have costs exceeding £5,000/ unit and in one case being £8,685/unit.
- 2.31 Furthermore, when analysing the Planning Obligation Evidence Tables, there is no assessment of medium sized sites. Only large sites and small sites are assessed. Therefore, there is no justified evidence of the typical amount of S106 monies per unit for the medium sized sites. The thresholds within this document for site sizes are also not consistent with the viability evidence.
- 2.32 Looking at the large site category in the planning obligation evidence tables, this includes sites of over 100 units. It is clear from this table that the average cost per dwelling for development requirements in S106 agreements is £8,549. This significantly exceeds the £2,000/unit amount used within the viability studies. The average cost per dwelling set out in the evidence tables is also more reflective of the development industries expectations of contribution amounts per unit.
- 2.33 The Regulation 123 list at Appendix 5 of the Draft Charging Schedule identifies the CIL infrastructure list which CIL monies will go towards and now identifies exclusions and

infrastructure which will need to still be funded by S106 monies. This list shows that a significant amount of infrastructure is still to be provided and/or funded by S106 monies. As there are still uncertainties over what infrastructure will be covered by CIL in the IDP and what infrastructure will still need to be accounted for via S106 agreement, the assumption of £2,000/unit for S106 costs is not considered robust or consistent with the development industry's views and the exclusion list in the Regulation 123 list of the Draft Charging Schedule.

- 2.34 To make the CIL Draft Charging Schedule sound, a higher assumption for S106 costs needs to be assessed and modelled to see if the majority of sites are still viable.

Densities/Yields

- 2.35 The CIL Viability evidence states that *"In terms of density we have based the modelling on the Council's emerging policy wording. New housing development will be expected to achieve a minimum net density of 30 dwellings per hectare. Development within the defined town and city centres of Harrogate, Knaresborough and Ripon and in urban locations with a good standard of accessibility to public transport will be expected to achieve higher densities."*
- 2.36 However as set out in Table 6.2 in the *Local Plan Viability Update and CIL Viability Assessment study* (2018), the majority of the sites (except the Strategic Sites) tested are based on a density of approximately 35 dwellings per hectare (net) if not higher in some cases for the smaller sites.
- 2.37 Whilst it is acknowledged that the policy does say a minimum of 30 dwellings per hectare (dph), it cannot be presumed that all sites will be higher than the minimum density required by policy. A density of 35 dph is also not comparable or realistic of some rural areas of Harrogate Borough.
- 2.38 If the policy wording has been assumed for the purpose of testing CIL and viability, then a worst-case scenario should be applied testing 30 dph given it is the figure provided within the policy text above. The assumed density of sites will have an impact on the calculations and financial assumptions made within the viability documents.
- 2.39 To ensure the CIL rates are viable and effective, the evidence needs to support lower density schemes as well as the higher density schemes which are more likely to be on brownfield sites and within the main urban area. Further testing within the evidence base is therefore required to make the Draft Charging Schedule sound.

Residual Value and Viability Threshold

- 2.40 Within the supporting viability evidence, a viability threshold of £374,000 is used to review and assess residual values for the sites tested within the documents. Our Client considers this is reserved and not reflective of landowner's expectations for a fair price in the market. Through our client's experience within the local area a viability threshold of £400,000 per net developable area (acre) is considered more realistic.
- 2.41 This is a key consideration as viability assessments need to ensure they take into consideration market factors and landowner expectations and actual market evidence on prices being paid in the current market is a predominant factor in determining whether sites can be considered viable.
- 2.42 To put this into context using a site tested within the viability reports; site 7 is a medium greenfield site consisting of 130 units and is agricultural land. Our client would expect a minimum land value of £3.65 million for this land to be viable. This is on based on £400,000 per net developable acre.
- 2.43 They consider that a residual value of £735,000 per hectare (rather than £570,000 per hectare) is more realistic and based on the fair expectations which landowners are expecting for land values within the Harrogate area.
- 2.44 The assumptions in this regard need to be updated and tested to ensure the CIL evidence is based on the most up to date, effective and justified evidence.

Question 2. Do you support the proposed CIL rates for new residential development?

- 2.45 The Draft Charging Schedule sets out five categories for CIL payments for residential uses. This is split from market housing to sheltered housing and then splits the rate on location. There are three zones – Zone 1 covers most of the Borough, Zone 2 is the main urban areas and Zone 3 are the 'strategic sites' in the emerging Local Plan including the proposed new settlement. The proposed rates are as follows:

Table 1: Residential Draft Charging Schedule

Residential Development	Maximum CIL Rate (per sq.m)
Zone 1 and sites of 10 units or fewer in all areas	£50
Zone 2	£0
Zone 3	£0
Sheltered Housing in Zone 1 and Zone 3	£60
Sheltered Housing in Zone 2	£40

- 2.46 Whilst the CIL rates are comparable to neighbouring authorities, our /client has concerns regarding the viability of these rates and the evidence to support them as highlighted above. At this time, based on the evidence provided, our client does not support the rates for the zones as indicated in the Draft Charging Schedule.
- 2.47 Viability and affordability are key issues in Harrogate, and this has recently been demonstrated by the Council updating their draft affordable housing policy to reflect concerns within the development industry that a 40% blanket approach to affordable housing was not realistic. Similar issues have had to be addressed in the modelling and preparation of the CIL draft charging schedule in line with other policy requirements as set out in the emerging Local Plan.

Question 3. Do you agree the boundaries between the different charging zones are appropriate?

- 2.48 CIL Regulation 13 (as amended) provides scope for CIL to be set at different levels by different area (zones) and type and size of developments. As highlighted above, our client has concerns in relation to the evidence on how the location zones were derived, what the actual boundaries are and the transparency of the consultation on these boundaries at the Preliminary Draft Charging Schedule stage last year.
- 2.49 With regards to the transparency of the consultation on the CIL zone boundaries; at the last stage of consultations (Preliminary Draft Charging Schedule consultation 2018), there was only one map showing the adjacent boundaries to Ripon for part of Zone 2 but no other maps showing the various zones. The text that accompanied the Preliminary Draft Charging Schedule was also very vague on the boundaries of the zones. The text describes Zone 2 as '*The main urban areas*' and then gave a list of settlements and then a supplementary sentence stating: "*Zone 2 for Harrogate, Boroughbridge, Knaresborough, Masham, Pateley Bridge is defined as the main built up area. Zone 2 for Ripon is shown on the following map.*"
- 2.50 The main urban area/main built up area was not defined or clarified in any documentation at that stage.
- 2.51 From discussion with the Planning Policy Department at the Council at the time of the consultation they confirmed that 'the main urban area' included land adjacent to the development limits to allow for growth. This was consistent with the main urban area as described in the emerging Local Plan which the CIL Draft Schedule and evidence based is directly linked to. Within the emerging Local Plan, the main urban areas are described as Harrogate, Knaresborough and Ripon. The proposed plans within the emerging Local Plan showing the main settlements also include the land allocated adjacent to the existing built

up area and therefore show the main urban areas for the plan period within the proposed development limits of these towns. It was therefore on this basis that we understood the sites within the proposed development limits to be considered in the main urban area and within Zone 2 in the previous iteration of the CIL Charging Schedule.

- 2.52 From the latest documentation, this is not the case and the main urban area is actually based on similar boundaries to the old UDP development limits in most cases. The evidence, justification and transparency on these boundaries is not sound. The consultation has not been clear and has misinformed developers. It may have been on this basis why the Council only received 23 representations to the last stage of consultation. Developers may have under false pretences thought that their land was exempt from CIL, whereas now it is clear that they are not.
- 2.53 As highlighted above, the evidence on these boundaries is not clear and the viability evidence for the areas is based on average land registry house price data for areas of which there are no supporting maps/plans to show the boundaries assessed. It is a broad-brush approach which has no clarity or justification, and this has resulted in greenfield sites adjacent to Ripon be included within Zone 2. As highlighted above, there are very similar market areas and house prices both in Boroughbridge and Harrogate which are comparable to parts of Ripon. Likewise, there are also affluent areas in Ripon that are comparable to other areas within the borough. This approach and decision for Ripon greenfield sites is therefore not based on justifiable or robust evidence. This together with the concerns over the assumptions made do not provide effective base to implement CIL.
- 2.54 The zones and boundaries need to be justified and effective, and at present the maps provided within the Draft Charging Schedule still provide some concerns. The zone boundary for Zone 2 drawn around Harrogate Town is predominantly tight around existing development, whereas in Knaresborough the boundaries are more loosely drawn. Some land in Knaresborough has planning permission so it is understood why the CIL Zone 2 includes them such as Sites K32, K21 and K22. However, if this is the approach taken then developments such as Sites H47, H48 and H3 should be included within Zone 2 as well in Harrogate. A rounding off exercise has been used in Knaresborough which should be applied for all settlements identified in Zone 2 to be effective, justified and consistent.
- 2.55 At present there is no justifiable or consistent approach to the boundaries drawn on the maps included within the Draft Charging Schedule. The zone boundaries also do not always follow the existing built up areas and are drawn going through fields. It is clear that these zone boundaries have not been precisely drawn.

- 2.56 There has not been a considered approach to the zone boundaries which are consistent with evidence within the emerging Local Plan. Different approaches have been taken for the different main urban area settlements which is not justified or effective.
- 2.57 Further work to clarify and assess CIL zone boundaries is therefore required to make this document sound. Precise plotting of boundaries and a consistent approach is required to give developers and landowners certainty.

Question 4. Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail warehouses)?

- 2.58 Our client does not wish to comment on this point.

Question 5. Do you support the proposal to set the rate at £0 per square metre for all other types of chargeable development?

- 2.59 The Whole Plan Viability Assessment (September 2016), and the Local Plan Viability Update and CIL Viability Assessment (May 2018, reissued in January 2019) sets out details of the infrastructure required, and the viability of the various development uses. The Local Planning Authority can still use Section 106 Legal Agreements to secure necessary site-specific requirements and therefore based on the viability modelling and analysis, our client supports the £0 per square metre for all other types of chargeable development given that they have been proven to not be viable to bear CIL.
- 2.60 However, in line with our comments above, it is expected that more sites could be proven to be unviable with the implementation of CIL and other policy requirements considered. If sites are not viable taking into consideration all the developer requirements, then they should not have to bear CIL.
- 2.61 Further work on viability testing is considered necessary and our client reserves a right to comment further once further testing has been done to determine if they can support the rates and zones of CIL.

Question 6. Do you support the Council's draft instalments policy?

- 2.62 Our Client does support the draft instalment policy. Regulation 70 (as amended by the 2012 and 2013 Regulations) provides for payment by instalment where an instalment policy is in place. Where no instalment policy is in place, payment is due in full at the end of 60 days after development commenced (see Regulation 7, and section 56(4) of the Town and Country Planning Act 1990, for the definition of 'commencement of development').

- 2.63 It is vital that the delivery of sites is not stifled through CIL. An instalment policy helps to ensure that monies can be paid gradually over the lifetime of a development which ensures that the upfront costs are not excessive. This is a key issue raised by the development industry and an instalment policy must be retained to ensure the Draft Charging Schedule is effective and sound.
- 2.64 If an Instalment Policy is not adopted, then payment is due in full at the end of 60 days after commencement. For larger sites this can equate to a significant amount of money which could deter developers and will cause a serious issue with delivery. The instalment policy should be retained with the updates made from the Preliminary Draft Charging Schedule within the CIL Draft Charging Schedule to ensure there are not issues with site deliverability through the plan period.

Question 7. Do you support the Council's draft Regulation 123 list?

- 2.65 The Council have produced their draft Regulation 123 and is included at Appendix 5 of the CIL: Draft Charging Schedule 2018. It sets out the projects or types of infrastructure that the Council intends will benefit from CIL and has now had an additional column provided within the table to include exceptions/exclusions.
- 2.66 Our client supports the updated table and clarification of the exclusions stated, however there is still a concern over the actual infrastructure to be included and dealt with by CIL.
- 2.67 The Draft Charging Schedule sets out that as part of the Local Plan process, the Council considered the infrastructure requirements required to support delivery of the Local Plan. The infrastructure requirements are based on this as well as emerging Council priorities. The infrastructure requirements are set out in the Infrastructure Delivery Plan which details the infrastructure necessary to deliver the Local Plan.
- 2.68 However, the Draft Charging Schedule goes on to state at paragraph 9.2 that "*It is important to note that the CIL is not meant to replace mainstream sources of funding for infrastructure and will not cover the full costs of all of the infrastructure projects identified in the Delivery Plan.*" It is therefore unclear as to what infrastructure within the IDP will actually be delivered by CIL as the wording is so vague in the Regulation 123 list. The exclusions for most types of infrastructure in the Regulation 123 list except for Education just highlights that the infrastructure exempt is infrastructure classified as "*Provision necessary to make the development acceptable in planning terms.*"
- 2.69 This is extremely vague and does not provide any clarity for developers or landowners.

- 2.70 By way of example, for our Client's two sites H22 and Site H23 the IDP sets out that for these two sites, the infrastructure relevant is *Routes to the north of Starbeck* which is classified as Cycling and Walking Infrastructure. It does not highlight if it is new routes required or upgrades to existing routes. There are no costs for this infrastructure project as yet and it sets out that developers will contribute to provide this infrastructure project. It does not state whether this is to be through CIL or S106.
- 2.71 There is therefore no clear and justifiable evidence to identify CIL infrastructure as part of the Regulation 123 list. This gives uncertainty to developers as to whether they need to factor in additional costs above the CIL liability rates. To make the Draft Charging Schedule sound, evidence on the infrastructure to be included in the Regulation 123 needs to be set out to make it effective, justified and consistent with National Planning Policy.

Question 8. Do you have any other comments on the Draft Charging Schedule, or CIL Viability Assessment?

- 2.72 We have one last point to raise on the Draft Charging Schedule and CIL Viability Assessments and it relates to an adjustment period.
- 2.73 It is vital for the Council to build in flexibility in to the Draft Charging Schedule to allow the Council to carefully monitor the local effects of CIL in its first years of adoption and operation. This will allow an opportunity to review the effects of CIL on development delivery and allow for any adjustments and refinement.
- 2.74 This is in line with RICS Guidance which recognises that there may well be a need for a period of adjustment following the introduction of CIL to assess land prices in light of the need for new developer requirements and additional costs.
- 2.75 This is key to ensure CIL is beneficial and does not stifle development delivery in the Harrogate Borough. This flexibility is key to ensure the CIL Charging Schedule is positively planned, effective and justified moving forward. Wording should therefore be added to the Draft Charging Schedule to allow for an Adjustment Period.

3.0 CONCLUSIONS

- 3.1 These representations have been prepared on behalf of Richborough Estates and set out their comments on the Harrogate Borough Council CIL: Draft Charging Schedule (January 2019). There are a number of matters that our Client believes should be addressed in subsequent drafts of the CIL Charging Schedule to ensure a sound and robust document is adopted.
- 3.2 Our Client in general supports the Council's decision to introduce CIL in the Borough as this gives developers a clearer idea of the potential costs associated with the development of their land interests. However, they do have strong concerns and objections in relation to the evidence base documents, the transparency of consultation on the CIL zone boundaries and the viability assumptions used.
- 3.3 Our Client has a keen interest in the future development of Harrogate and is grateful for this opportunity to engage in the forward planning process. They are committed to ensuring the emerging CIL documentation is prepared on a sound and robust basis and the needs of the Borough are facilitated. We hope these representations are beneficial and hope they are given due consideration in the future preparation of the CIL Charging Schedule.

Comment

Consultee	Mr David Winpenny (896191)
Email Address	[REDACTED]
Company / Organisation	Ripon Civic Society
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Community Infrastructure Levy : Draft Charging Schedule
Comment by	Ripon Civic Society (Mr David Winpenny - 896191)
Comment ID	DCS30
Response Date	22/02/19 10:01
Consultation Point	Community Infrastructure Levy : Draft Charging Schedule (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Ripon Civic Society_Redacted.pdf

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one:

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one:

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one:

Question 6

Do you support the Council's draft instalments policy?

Please tick one:

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one:

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

- . I would like to be heard by the Examiner at the Examination
- . I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- . I would like to be notified of the publication of the recommendations of the Examiner and reasons for those recommendations
- . I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comments received via email or letter

Comments received via email or letter are available here:

[Ripon Civic Society_Redacted.pdf](#)



From The Chairman
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Place-shaping and Economic Growth
Harrogate Borough Council
P.O Box 787
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21st February 2019

Dear Sirs

COMMUNITY INFRASTRUCTURE LEVY: DRAFT CHARGING SCHEDULE CONSULTATION

I am writing on behalf of the Ripon Civic Society to object to the Community Infrastructure Levy: Draft Charging Schedule.

Question 1. Do you support the methodology and assumptions used in the CIL Viability Assessment?

Our principal objection relates to the fact that the draft charging schedule excludes most new development in Ripon from liability for CIL and therefore there will be very little money for the City. The only sites that would generate CIL in Ripon under the draft proposals are those of 10 dwellings and under. This is particularly disappointing because the City has a newly made neighbourhood plan and as such Harrogate Council will be required to allocate 25% of any CIL generated within the city to Ripon City Council to spend on local infrastructure projects, including those in the neighbourhood plan.

Harrogate Borough Council has previously suggested that CIL money funded elsewhere can be used in Ripon. That misses the point as this takes away local responsibility and there would be no neighbourhood share for Ripon from this.

Question 2. Do you support the proposed CIL rates for new residential development?

We are surprised that the proposed CIL rates overall are set so low, given that Harrogate has the highest house prices in the region. The CIL rates are significantly lower than those in neighbouring authorities with adopted CILs. For example, Leeds City Council has a CIL rate of £110 per sq.m for all residential sites in the north of the District, which adjoins Harrogate BC, compared with £50 maximum in Harrogate District. In the Bradford district, (Residential Charging Zone 1) the CIL rate contiguous with the Harrogate District in £100 per sq.m. We refer below to Hambleton District where house prices are closer to those found in the Ripon area and the northern part of Harrogate district.

We object to the proposed residential CIL rates in that they have driven unreasonably the over-generous extent of the Ripon Zone 2. Our case is as follows.

The Preliminary Draft Charging Schedule uses final house price assumptions based on evidence in the Harrogate Whole Plan Viability Assessment prepared by consultants in 2016, updated as an annex in 2018 and republished in 2019. The lower house price assumptions in Ripon are derived from Land Registry prices paid for new build dwellings over a period in 2015 and 2016 and on the Energy Performance Certificate Register for the same period. The report acknowledges that these final price assumptions were based on small sample sizes of house prices from active developments in 2015/16, informed by the general pattern of all house prices across the study area. The overall conclusion of this exercise in 2016 was that price assumptions in Ripon are slightly lower for all types of sites than those in the rest of the District (Table 4.5 in the Whole Plan Viability Assessment).

The above evidence informs the final house price assumptions which in turn form the basis for the draft charging schedule in which the only viable residential sites with potential for CIL in the District are

greenfield sites that are not adjacent to Ripon and small (10 or less units) brownfield and greenfield sites across the District that are below the affordable housing threshold. Larger brownfield and all strategic sites (including Ripon Barracks) throughout the District and greenfield sites adjacent to Ripon would also not generate a CIL. This is too sweeping.

We do not believe that the evidence in the 2016 Whole Plan Viability Assessment and updates provides a satisfactory basis for calculating a CIL, particularly in Ripon. The evidence for lower house prices in the Ripon area is flawed in that it is based on a small sample of sales over a limited time period in 2015/16. The analysis is not sufficiently fine grained or over a long enough time period to pick up significant variations in values within and adjoining the City, nor does it take account of the wide differences in house prices between (and even within) the wards in Ripon and adjoining parishes where development is proposed in the Ripon area in the Local Plan. The viability assessment, to be convincing, has to be redone at ward level or at even finer grain and over a longer time period in Ripon than previously to reflect the size and type of market housing likely to be built in different parts of the City.

The latest Government statistics support our argument that Ripon is sufficiently similar to the rest of the District that no distinction should be made. *The Office for National Statistics House price statistics for small areas in England and Wales: year ending June 2018* provides the following median house price for the three pre-2018 Ripon wards, as follows:

Ripon Minster - £166,250
Ripon Moorside - £225,00
Ripon Spa - £244,000

The average for Harrogate District is £261,750. Whilst Minster ward is low for the District, the other two wards are very similar or higher than other urban wards in the District (e.g. Knaresborough East - £233,000; Bilton - £247,000; Starbeck - £197,000).

We have also taken a snapshot of new houses currently for sale in Ripon in February 2019. There are 18 properties for sale with asking prices between £835,000 and £130,000 with a median price of £409,000. This is significantly higher than the new house sales prices in the 2015/16 study. Also there is now a larger number of dwellings under construction compared with 2015/16.

We are not at all convinced that the case for larger brownfield sites across the District not supporting CIL is made. Whilst development costs may be higher in some cases compared with greenfield development, such sites will usually benefit from existing servicing. It is reasonable to expect that these costs are accommodated in land value. The viability of CIL and related infrastructure costs should therefore be reassessed for brownfield land. We do not understand how Harrogate district with its relatively high house prices cannot generate a CIL on such sites.

Experience in Hambleton District, where CIL has been collected since 2014 and house prices are generally similar to those in Ripon, is that brownfield and non-strategic greenfield sites are generating CIL at £55 per sq. m, normally without resistance from developers. Brownfield sites are not seen to have generally higher infrastructure costs here and are not exempted.

Question 3. Do you agree the boundaries between the different charging zones are appropriate?

Ripon Barracks is included within Zone 2. This is the most important development site in the City and it is disappointing that there should not be a reasonable expectation of a neighbourhood share of CIL for neighbourhood plan projects from its development.

The Ripon Zone boundary extends further out than those for the other urban areas. There is no justification given for this. We refute that the viability evidence has been compiled correctly (see Q2) and accordingly that this boundary is both wrong and unfair.

Questions 4, 5 and 6.

We have no comments to make on these questions.

Question 7. Do you support the Council's draft Regulation 123 list?

We are equivocal on this matter owing to our disquiet about the treatment of Ripon.

Question 8. Do you have any other comments on the Draft Charging Schedule, or CIL Viability Assessment?

We consider that your approach in relation to viability is too cautious and CIL rates could be higher without affecting viability. The 2017 Government commissioned report *The value, impact and delivery of the Community Infrastructure Levy* found that CIL was seen as a relatively minor development cost with limited impact on development viability and which could be readily set against land values.

We believe that Ripon is being treated unfairly by your CIL proposals. Funding obtained from development is not being distributed on a comparable basis with other similar communities across the District. The assessment's fixation with low house prices and limited viability in Ripon, based on insufficient and partial data, promotes an undeserved negative image of the City.

I should like to be heard by the Examiner at the Examination and notified of the stages indicated.

Yours sincerely

Christopher Hughes

Chair, Ripon Civic Society

Comment

Consultee	Mrs Victoria Vernon (1156372)
Email Address	[REDACTED]
Company / Organisation	Sport England
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Community Infrastructure Levy : Draft Charging Schedule
Comment by	Sport England (Mrs Victoria Vernon - 1156372)
Comment ID	DCS31
Response Date	19/02/19 10:11
Consultation Point	Community Infrastructure Levy : Draft Charging Schedule (View)
Status	Processed
Submission Type	Email
Version	0.3

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one:

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one:

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one:

Question 6

Do you support the Council's draft instalments policy?

Please tick one:

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one:

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Sport England supports use of community infrastructure levy (CIL) as a way of securing the provision of new or enhanced places for sport and a contribution towards their future maintenance, to meet the needs arising from new development.

All new dwellings in Harrogate in the plan period should provide for new or enhance existing sport and recreation facilities to help create opportunities for physical activity whilst having a major positive impact on health and mental wellbeing. Although it is noted that Community and Leisure facilities are covered by the Regulation 123 list we would recommend that formal indoor and outdoor sports facilities are referenced under their own heading to ensure their delivery.

The councils emerging Built Facility Strategy and Playing Pitch Strategy should inform which projects should be included on the CIL Reg 123 list. We all need to be mindful of s106 regulations that restrict up to 5 schemes contributing to a single project.

Sport England would be willing to provide further advice to the Council about local plan policy preparation in relation to sport and that we would be willing to discuss the comments made in response to the questions or provide comments on any draft policy wording in advance of formal consultation.

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

From: Victoria Vernon [REDACTED]
Sent: 19 February 2019 08:20
To: Planning Policy
Subject: CIL Charging Schedule

Categories: CIL response

Dear Sir/Madam,

Thank you for consulting Sport England on the above Local Plan document.

Sport England supports use of community infrastructure levy (CIL) as a way of securing the provision of new or enhanced places for sport and a contribution towards their future maintenance, to meet the needs arising from new development.

All new dwellings in Harrogate in the plan period should provide for new or enhance existing sport and recreation facilities to help create opportunities for physical activity whilst having a major positive impact on health and mental wellbeing. Although it is noted that Community and Leisure facilities are covered by the Regulation 123 list we would recommend that formal indoor and outdoor sports facilities are referenced under their own heading to ensure their delivery.

The councils emerging Built Facility Strategy and Playing Pitch Strategy should inform which projects should be included on the CIL Reg 123 list. We all need to be mindful of s106 regulations that restrict up to 5 schemes contributing to a single project.

Sport England would be willing to provide further advice to the Council about local plan policy preparation in relation to sport and that we would be willing to discuss the comments made in response to the questions or provide comments on any draft policy wording in advance of formal consultation.

Yours sincerely

Victoria Vernon BSc (Hons) MA

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



[REDACTED] can



Sport Park, 3 Oakwood Drive, Loughborough, Leicester, LE11 3QF



We have updated our Privacy Statement to reflect the recent changes to data protection law but rest assured, we will continue looking after your personal data just as carefully as we always have. Our Privacy Statement is published on our [website](#), and our Data Protection Officer can be contacted by emailing [Erin Stephens](#)

The information contained in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000. Additionally, this email and any attachment are confidential and intended solely for the use of the individual to whom they are addressed. If you are not the intended recipient, be advised that you have received this email and any attachment in error, and that any use, dissemination, forwarding, printing, or copying, is strictly prohibited. If you voluntarily provide personal data by email, Sport England will handle the data in accordance with its Privacy Statement. Sport England's Privacy Statement may be found here <https://www.sportengland.org/privacy-statement/> If you have any queries about Sport England's handling of personal data you can contact Erin Stephens, Sport England's Data Protection Officer directly by emailing DPO@sportengland.org

Comment

Agent Miss K Jukes (896046)

Email Address [REDACTED]

Company / Organisation Directions Planning Consultancy Ltd

Address [REDACTED]
[REDACTED]
[REDACTED]

Consultee Dr T Bramall (1160809)

Address C/o Agent
NIL
NIL

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by Dr T Bramall (1160809)

Comment ID DCS32

Response Date 22/02/19 10:14

Consultation Point Community Infrastructure Levy : Draft Charging Schedule
([View](#))

Status Processed

Submission Type Email

Version 0.2

Files [Kathryn Jukes various clients_Redacted.pdf](#)

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: Object

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See supporting letter.

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: Object

Please suggest alternative rates (if relevant and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See supporting letter.

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: Object

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See supporting letter.

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one: Object

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See supporting letter.

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one: Support

Please provide reasons for your answer:

Please be as precise as possible (continue on a separate A4 sheet(s) if necessary)

See supporting letter.

Question 6

Do you support the Council's draft instalments policy?

Please tick one: Object

Please provide reasons for your answer: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See supporting letter.

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: Object

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See supporting letter.

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

See supporting letter.

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

- I would like to be heard by the Examiner at the Examination
- I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- I would like to be notified of the publication of the recommendations of the Examiner and reasons for those recommendations
- I would like to be notified of approval of the charging schedule by Harrogate Borough Council

Comments received via email or letter

Comments received via email or letter are available here:

[Kathryn Jukes various clients Redacted.pdf](#)

**RESPONSE TO CONSULTATION
ON THE HARROGATE BOROUGH COUNCIL
COMMUNITY INFRASTRUCTURE LEVY**

PREPARED ON BEHALF OF VARIOUS CLIENTS



Prepared By:
Kathryn Jukes BA (Hons) DipTP MRTPI

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

22 February 2019

1.0 INTRODUCTION

Directions Planning Consultancy Ltd has been instructed by a number of clients to review Harrogate Borough Council's Community Infrastructure Levy consultation documents with a view to providing comments.

It should be noted that the interests of our clients are broad based given they are residents of the district, employers and developers of both commercial and residential properties. As such we have looked at the consultation documents with a view to ensuring they are robust, realist and reasonable. Our comments have not just been informed by the interests of our clients, but also with reference to planning policy and legislation.

2.0 COMMENTS ON THE DRAFT CHARGING SCHEDULE (JANUARY 2019)

Below we have structured our comments in response to the various sections of the Schedule.

2.1 Levy Rates

Table 1.1 sets out the recommended rates of CIL. We understand the different rates have been influenced by the impact of raising the levy on the viability of development. As such, the CIL rate for residential and retail properties has been divided into three geographic zones.

We are concerned that in relation to 'distribution development' the CIL rate is to be applied consistently across the district and for the purposes of distribution development there are no zones whereby different rates apply. This approach appears to ignore how the value of employment land varies across the district, just as residential property values also vary.

What is of greater concern is the lack of clarity running through all of the documents as to what sort of development is actually subject to the distribution charge listed under employment development. Is it B8 or any development that has an element of distribution in its operations? Having read the supporting reports we have simply been unable to find an answer to our question. In particular, the Viability Assessment (May 2018) provides no helpful clue, as it simply refers to "distribution uses are only likely to come forward along the A1 corridor." We would welcome greater clarity in relation to the types of development to which the levy will apply.

2.2 Zoning

The zoning to be applied in relation to residential properties suggests how the main urban areas across the district are to be grouped together within zone 2. We believe this is inappropriate because land and property prices vary greatly between the main settlements, which has not been fully acknowledged within the Viability Appraisal.

Property prices in Ripon and Boroughbridge are lower than in Harrogate, which means in turn that profit margins are less due to costs remaining the same. As such, the Viability Appraisal should be reviewed in order to introduce a greater level of sub-area analysis to understand the variation in viability across the district.

The lack of sub-area analysis and appreciation of the different characteristics found across the district is a common theme of the drafting of the Local Plan, and it was raised at the recent Examination by the Inspector. In particular, in relation to housing distribution whereby the housing needs of the AONB have not been specifically assessed and reflected within the

housing requirement. The implication being that the AONB designation has not been given sufficient weight and instead the availability of land within villages across the district, irrespective of landscape designations, has been given greater priority.

2.3 Funding Gap

Table 2.1 sets out the funding gap that has been identified in relation to the delivery of infrastructure whereby a gap has been identified of at least £98 million.

The Schedule does not appear to acknowledge that a lot of the key infrastructure requirements arise from the impact of development on the locality rather than the impact of development on the district as a whole. For example, improvements to the A59/A1(M) junction only arise as a result of development along the A59 corridor. However, the costs are to be factored into the CIL on a district wide basis, which means that development will not necessarily benefit from the infrastructure it contributes to, especially in relation to local road improvements. Surely some of the items would better be retained as S106 matters given the very local benefit they will deliver?

We're also concerned how little work has been completed on the availability of public funding to narrow the funding gap. At the moment, the Government, Homes England and LEP all have funding available to help facilitate development and to address constraints to development, including infrastructure. The funding gap is therefore likely to be much smaller than identified, especially in relation to the level of funding required from private development. We would therefore suggest further work is required before the Schedule is finalised to ensure it is up to date and as comprehensive as is reasonably possible.

2.4 Neighbourhood Plans

Within the CIL Revenue Projections section on page 20 reference is made to how Parish Councils will receive 15% of CIL receipts except where there is an adopted Neighbourhood Plan. Where there is an adopted Neighbourhood Plan then those Parish Councils will receive 25% of CIL receipts.

It should be remembered, and it may be worth making the point within the next version of the Charging Schedule, how not all of the zones are subject to Parish Councils. For example, Harrogate does not have a Parish Council and so none of the receipts received from development within Harrogate will need to be shared. This means the revenue projection does not need to be further reduced by 15% as a minimum. This is on the basis that the reality is the greatest proportion of development is to be directed to Harrogate where the local planning authority will receive 100% of the funds. The Schedule does not however take into account the true impact of the allocation of the funds to Parish Councils or the spatial distribution of the funds. We would therefore ask that this matter is looked at in more detail because we believe it will have a material impact on funding for Harrogate based projects.

2.5 Financial Contributions

Table 3.3 refers to financial contributions towards the provision of open space and village halls that is collected by way of unilateral undertakings. The supporting text suggests the Council currently operates the commuted sums policy, but this is not true as the contributions have not been sought since CIL legislation came into effect. We therefore believe it is misleading to suggest the Council still operates the policy.

Additionally, we do not believe village halls are necessary infrastructure. Instead, we believe it is more appropriate to allow Parish Councils to use their receipts to build new village halls, if their community wishes to have one. Not every Parish requires a village hall and it is simply not realistic to imagine CIL will raise sufficient funds to allow enough new village halls to be built to ensure every Parish has one. We would therefore request that village halls are removed from the list and taken out of the calculations.

In relation to open space, we understand that the Viability Assessment for S106 agreements suggests a cost of approximately £2000 per dwelling. This appears to be much higher than the average amount paid towards provision where planning permission has been granted as set out within the Planning Obligations Evidence Table (May 2018). We can only imagine that the gap is because the Viability Assessment expects every development to make a financial contribution whereby the reality has been most developments deliver open space requirements on site thereby foregoing the need to make a payment.

2.6 Instalment Policy

Table 4.1 sets out the draft instalments policy. Whilst we welcome the intention to introduce instalments, we are concerned with how the draft policy frontloads the installed payments. Most development requires finance and so to front load the payments will add to the initial costs of development, which in turn will increase the amount of interest paid in relation to the borrowed sum of money. Given the length of time most development takes to construct then the payments will introduce an unnecessary financial burden that can be avoided by pushing the instalments further into the build programme. There is no legislative requirement for the instalments to be paid on or close to commencement of development, so we cannot see how frontloading can be justified.

The burden of the additional interest that would be accrued as a result of the timing of the first instalment could be materially reduced even if the first payment were to be moved to month 6 in relation to sums less than £50k and 120 weeks in relation to greater sums. This in turn would aid the viability of development. We understand it is typical of local planning authorities to frontload payment of the instalments, but just because other Council's adopt this position does not justify it in relation to Harrogate. Especially, as the costs associated with development in Harrogate are greater than neighbouring districts due to the higher land values. In turn this means development has higher upfront costs and therefore borrowing requirements are greater to be able to make a material start. Waiting an extra three months is unlikely to have any material impact on the ability of the Council to deliver the identified infrastructure, but it could make a real difference in the viability of development. We would therefore ask that the instalment policy timings are extended.

2.7 Regulation 123 List

Table 5.1 sets out the matters to be covered by Regulation 123 in terms of the infrastructure projects that the Council intend to be funded by CIL. We are concerned with how the infrastructure types and projects listed do not use the same wording as found in section 216 of the Planning Act 2008, which defines the types of infrastructure that are covered by CIL. As such, we are concerned how projects that are not intended to be covered by the CIL Regulations may end up being funded. In particular, section 216 refers to "sports and recreational facilities" yet the Council's list refers to "community, cultural and leisure facilities".

Within the definition of recreational facilities, we do not believe that either community or cultural facilities would be included. Cultural facilities might broadly cover churches, libraries, concert halls and museums which are not recreational facilities given they lend themselves to the pursuit of knowledge rather than recreation.

In addition, “health facilities” listed within the Charging Schedule are not the same as “medical facilities” as referenced in section 216. If the Schedule is to be consistent with the legislation then it should be amended to conform with the appropriate terminology. Particularly, to ensure the Schedule does not lead to misinterpretation. A point in hand of how misinterpretation might occur is in relation to how the Submission Infrastructure Delivery Plan 2018 under paragraph 5.2 discusses mental and social care provision. Such provision is not medical care, and the Community Care Teams referred to are certainly not medical care. We therefore believe the definition and scope of infrastructure addressed within the Charging Schedule needs to be reviewed to ensure it is in line with legislation. In doing so, we would then expect the funding gap to be reviewed with a view to determining whether certain matters should be excluded.

In relation to “Public Realm Improvements” we cannot in the slightest make the connection between “environmental improvements to enhance the appearance, safety and security of the public realm” with any of the matters considered to be infrastructure, as listed under section 216. Consequently, we would suggest the terminology of the Planning Act 2008 should be used as there really is no requirement to use different terms when section 216 quite succinctly provides a label for each type of infrastructure.

We are also at a loss to understand why the heading has been included, along with “Green Infrastructure”, “community, cultural and leisure facilities” given there are no projects listed against these headings in the Delivery Plan Submissions Update (August 2018). If there are no projects under certain headings then we see no point in the headings being included.

We question why the list is quite so general and why no specific projects are mentioned despite the word ‘projects’ appearing in the column heading. Especially, as *“where the regulation 123 list includes a generic type of infrastructure, section 106 contributions should not be sought on any specific projects in that category.”* If this is the case then we would suggest it would be more sensible to narrow the categories within the 123 list so as not to exclude the opportunity to collect S106 monies, where appropriate.

In addition, planning is concerned with buildings, land and structures rather than the uses that go on inside. We are therefore concerned with how reference is made to funding the use of space rather than limited to the funding the actual buildings and establishing the structures required to house the use. In particular, our comments relate to Health where mention is made to Community Care Teams. Community Care Teams should not be funded from CIL because they are beyond the scope of the intention of the levy. However, it would be appropriate for CIL monies to be spent on providing a building for their use. We believe this point needs to be clarified and it should be made clear how the use of any building or land will not be funded from CIL.

3.0 SUBMISSION INFRASTRUCTURE DELIVERY PLAN 2018

Within the Submission Infrastructure Delivery Plan 2018 the necessary infrastructure required to underpin the implementation of the Local Plan's growth strategy is set out. The document raises several issues.

Primarily, the nature and extent of the infrastructure identified within the Delivery Plan is rather limited when compared to the 123 Regulation list. In particular, the 123 list includes reference to community, cultural and leisure facilities; green infrastructure; and public realm works yet there are no projects identified as part of the Delivery Plan. We therefore question whether it is reasonable or relevant to include reference to matters that are not necessary to facilitate development.

Additionally, we are concerned how the full extent of the infrastructure required in relation to sewage works has not been fully investigated or accounted for in the costs on development. The current foul water network serving Harrogate is at capacity. Yorkshire Water has made clear over the last few years how the system has no spare capacity and needs to be upgraded in order to accommodate further planned development across the town. In particular to serve the additional 3500 dwellings allocated to the west and south of Harrogate.

Yorkshire Water has not yet identified in full the volume of additional capacity required or how it might be accommodated as the Asset Management Review process has not yet begun. As such, Yorkshire Water has not yet determined whether the existing system can be upgraded or if a new pipeline needs to be installed to arc around the west and south of Harrogate. The Delivery Plan mentions increasing capacity but it does not mention the very real option of a new pipe needing to be laid.

Increasing capacity either through a new or enlarged pipe is absolutely essential because the current system is inadequate and it is causing incidences of water pollution within the Becks surrounding Harrogate. We have previously supplied evidence of the pollution problem as part of Local Plan representations. Attempting to feed more foul water into the existing system will not only increase the incidences of water pollution, but it will also raise the risk of flooding to existing properties within Harrogate where open water courses run through gardens. These properties already have to be cleaned of solid waste and paper following rainfalls due to breaches in the system and the incidences can only increase if the volume of foul water entering into the system is increased.

Given the current lack of understanding of what sewage works are required to facilitate development then we cannot see how the Delivery Plan realistically identifies the necessary infrastructure to support the Council's growth strategy. Also, without the costing there is a question as to whether the levy has been set at a reasonable level.

We understand that the provision of infrastructure relating to foul and clean water is the responsibility of Yorkshire Water, who are also required to finance its provision. However, Yorkshire Water do charge developers for new connections into the system and there are also license charges for discharging. As such, the cost of undertaking works to both clean and foul water need to be taken into consideration in order to ensure viability is tested in an appropriate manner. Without the costs included in the Delivery Plan we therefore question

whether the levy charges are reasonable because the viability appraisal does not include the full costs to be incurred on future development.

4.0 VIABILITY ASSESSMENT

In relation to the Viability Assessment we believe it was last updated in May 2018, but it now needs to be updated again due to the impact of wider economic circumstances on both property prices and costs. The uncertainty created with Brexit means property prices have started to soften over the last six months, and the supply and demand for properties has also been affected. The effects of Brexit have not, however, been felt yet in full. As a result, we believe adoption of CIL should be postponed until the politics have played out and the extent of the economic impacts have been realised.

Development creates jobs and also a commodity that can be traded, and so to introduce an additional factor that has the opportunity to influence the property sector at a sensitive time would not appear to be sensible for the wider economy of the district. We would therefore encourage further thought to be given to the potential implications on the delivery of new homes and the impact on development viability due to current wider economic conditions.

4.1 Distribution

Paragraph 6.23 suggests the CIL should be set so the residual value should be more than 50% of the viability value. However, in the case of distribution development this assumption that has been used to underpin the setting of the CIL rates has not been adhered to. On page 40 of the Viability Assessment the residual value for greenfield sites is shown to be £414k in respect of a CIL charge of £20 per sq m or £552k before the charge is levied where the viability threshold of the site is shown to be £330k. A simple calculation quickly uncovers how £330k is not half of either £414k or £552k. We cannot see how a rate of £20 per sq m can subsequently be considered to be viable on the premise of the Council's own consultant's work. Paragraph 6.37 attempts to justify the rate of £20 per sq m on the basis that it would represent 50% over the viability threshold, but we strongly disagree.

Additionally, the paragraph suggests the rate is further justified because it would only be 15% of land value. We are not sure how the land value is relevant given the value of land in isolation does not dictate viability without being considered in the round alongside costs and profit margins.

It is also simply supposition to suggest landowners in Harrogate District will accept a 25% fall in land price following the introduction of CIL just because landowners in Greater Norwich (paragraph 6.25) were willing to do so. What consultation has taken place with landowners or agents within Harrogate to determine the willingness of landowners to sell land below current values? Without such evidence the CIL cannot be considered to be fully justified.

We would suggest a levy should not be raised on distribution uses on the basis that the level of viability is not acceptable or consistent with the methodology, and the assumptions on which the judgement has been made are not proven.

As the definition of 'distribution' has not been fully explained then we are unsure on what basis the calculations have been based. We are particularly unsure whether the consultants who prepared the viability assessment understand the different use classes and how each

commands a different value. Further explanation and clarity is therefore required in order for the CIL to be robust due to the level of uncertainty and confusion raised by the terminology and the potential consequences that naturally flow into the assessment of viability.

5.0 HARROGATE LOCAL PLAN EXAMINATION

Before proceeding further with the CIL process, we believe the full suite of documents concerning CIL will need to be updated in response to the Inspector's recommendations in order to reflect alterations to the number and spatial distribution to the allocations and the subsequent infrastructure requirements. Consequently, we look forward to having further opportunity to comment.

6.0 CONCLUSION

We would be happy to discuss our comments further if it would be helpful to the process.

**CONSULTATION RESPONSE FORM:
Community Infrastructure Levy (CIL)**

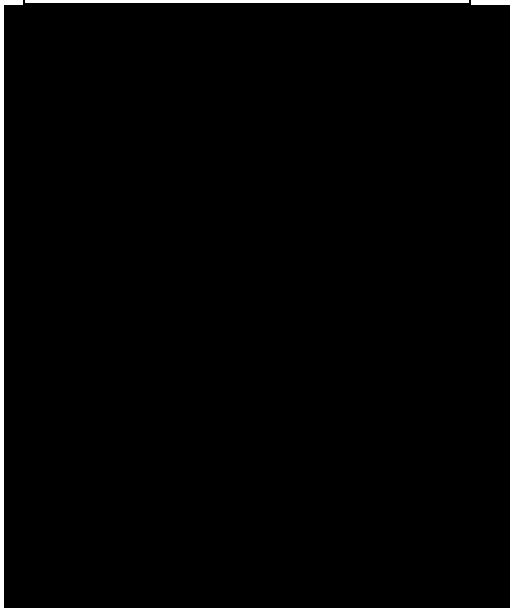
**Draft Charging Schedule 2019 Consultation
11 January – 22 February 2019**

Please return the completed form **by no later than 4.30pm on Friday 22 February 2019** to:
Planning Policy team, Harrogate Borough Council, PO Box 787, Harrogate HG1 9RW
or email: planningpolicy@harrogate.gov.uk

This form can be submitted online or downloaded at <https://consult.harrogate.gov.uk/portal/>

1. Personal Details	
Title	Dr
First Name	Terry
Last Name	Bramall
Organisation (where relevant)	
Address – line 1	C/o Agent
Address – line 2	
Address – line 3	
Address – line 4	
Address – line 5	
Postcode	
E-mail Address	
Telephone Number	

2. Agent's Details (if applicable)
Ms
Kathryn
Jukes
Directions Planning Consultancy



Question 1. Do you support the methodology and assumptions used in the CIL Viability Assessment?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Question 2. Do you support the proposed CIL rates for new residential development?

Please tick one:

Support

Object

✓

N/A

Please suggest alternate rates (if relevant) and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Question 3. Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Question 4. Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail warehouses)?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Question 5. Do you support the proposal to set the rate at £0 per square metre for all other types of chargeable development?

Please tick one:

Support

✓

Object

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Question 6. Do you support the Council's draft instalments policy?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Question 7. Do you support the Council's draft Regulation 123 list?

Please tick one:

Support

Object

✓

N/A

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Question 8. Do you have any other comments on the Draft Charging Schedule, or CIL Viability Assessment?

Additional Comments:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Please see supporting letter.

Examination

In order for the Council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:-

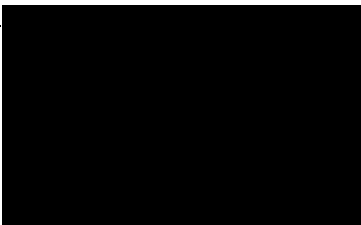
- I would like to be heard by the Examiner at the Examination
- I would like to be notified that the Draft Charging Schedule has been submitted to the Examiner
- I would like to be notified of the publication of the recommendations of the examiner and reasons for those recommendations
- I would like to be notified of approval of the Charging Schedule by Harrogate Borough Council

Data Protection

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Representations must be received no later than 4.30pm Friday 22 February 2019

Signature:



Date: 22nd February 2019

Please return the completed form by no later than 4:30pm on Friday 22 February 2019 to:

Planning Policy Team,
Harrogate Borough Council,
PO Box 787,
Harrogate
HG1 9RW

Or Email: planningpolicy@harrogate.gov.uk

Representations must be received no later than 4.30pm Friday 22 February 2019

Comment

Agent	Mr Mark Johnson (895973)
Email Address	[REDACTED]
Company / Organisation	Johnson Mowat
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Consultee	(926866)
Company / Organisation	Taylor Wimpey (Yorkshire)
Address	Nil Nil Nil
Event Name	Community Infrastructure Levy : Draft Charging Schedule
Comment by	Taylor Wimpey (Yorkshire) (- 926866)
Comment ID	DCS33
Response Date	20/02/19 10:19
Consultation Point	Community Infrastructure Levy : Draft Charging Schedule (View)
Status	Processed
Submission Type	Email
Version	0.2
Files	Taylor Wimpey_Redacted.pdf

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached letter

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one:

Please suggest alternative rates (if relevant and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached letter

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached letter

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached letter

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on a separate A4 sheet(s) if necessary)

see attached letter

Question 6

Do you support the Council's draft instalments policy?

Please tick one:

Please provide reasons for your answer: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached letter

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one:

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached letter

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

see attached letter

Examination

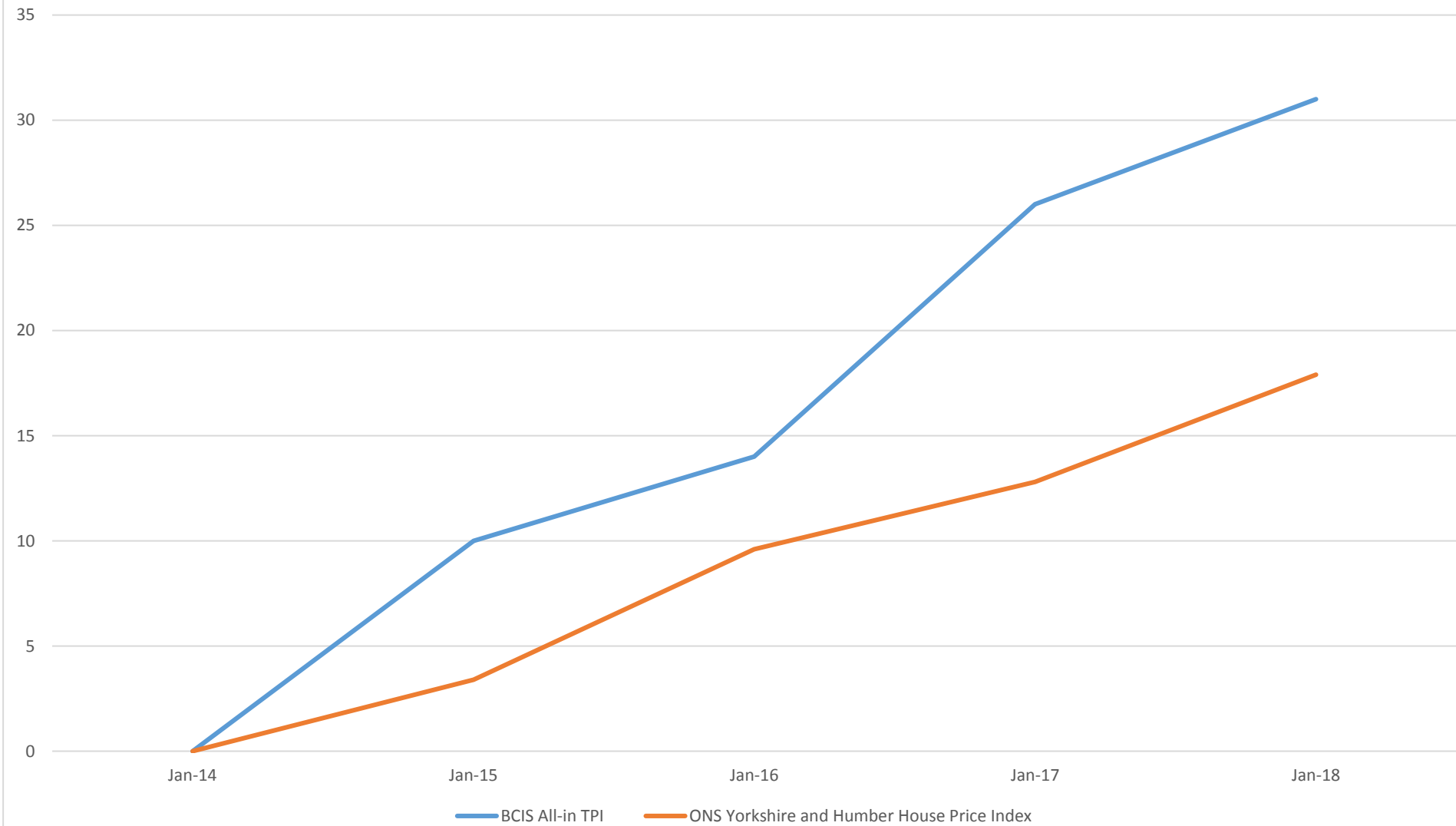
In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

Comments received via email or letter

Comments received via email or letter are available [Taylor Wimpey_Redacted.pdf](#) here:

Annual Index Rise Comparison between BCIS All-inclusive Price Index and ONS Yorkshire and Humber House Price Index



The Planning and Place Team
Harrogate Borough Council
PO Box 787
Harrogate
HG1 9RW



20th February 2019

Dear Sir/Madam

**RESPONSE TO COMMUNITY INFRASTRUCTURE LEVY: DRAFT CHARGING SCHEDULE CONSULTATION
11 JAN - 22 FEBRUARY 2019**

This response is submitted on behalf of Taylor Wimpey, outlining various objections to Harrogate Borough Council's Community Infrastructure Levy Draft Charging Schedule. These comments relate to the Draft Charging Schedule document dated January 2019 (The DCS).

We have reviewed the background documents and wish to make the following points:-

1. Index linking the CIL to the most appropriate index.

In recent years we have tracked the rise of various cost indices and considered these alongside house price growth. We note the DCS at para 4.2 informs the index for CIL is the BCIS All In Tender price. This is not uncommon for a CIL but needs to be sense checked alongside other inputs that go into a viability appraisal.

To give a brief explanation to our most recent concerns, we have attached a graph that demonstrates Yorkshire Region House Price Growth alongside the BCIS All Tender Price. From the attached, it is clear that the All In-Tender Index has significantly outstripped house price growth to the extent that it risks creating a disconnect with wider viability issues.

To create a greater degree of certainty, we request the Indices are amended for the Residential CIL rate to be either the BCIS All in Tender Price or ONS House Price Growth Index (Yorkshire and Humber Region) taking the lower of the two options.

While we note the Viability Update Report (Jan 2019) at Table 4.2 seeks to demonstrate a greater rate of price change for new build in the District, this Table 4.2 gives no indication of the size of new dwellings built in the period and a potential shift to a greater number of larger

Coronet House
Queen Street
Leeds
LS1 2TW

t 0113 887 0120
e mark@johnsonmowat.co.uk
e richard@johnsonmowat.co.uk
w www.johnsonmowat.co.uk

dwellings which would present a false output. There is every likelihood that is the case for Harrogate District. Table 4.2 new build rate increase is therefore not a good indicator of change.

House price growth in Harrogate (existing stock) has been 7.3%. Meanwhile, BCIS housebuilding costs inform of a corresponding 13.66% increase. There is a risk that Brexit will suppress house price growth while placing even greater pressure on build cost inflation.

The above concerns on indexation and rising build cost increases development risk. This risk is not reflected in this document. The CIL needs to include this in the monitoring section.

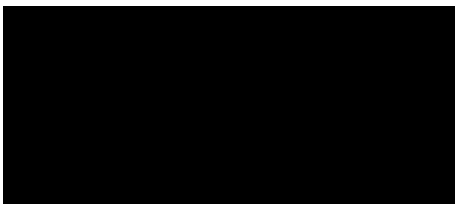
2. Strategic Sites

The CIL is absent of any advice on strategic sites (e.g. K25). While it states that K25 is zero CIL 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.

3. CIL plus S106 “double-dipping”

On sites where the CIL does apply (note the £50/m.sq is not unreasonable), there is a suggestion that such sites would also be exposed to a S106 of up to £2,000/plot in addition to CIL. Currently it is unclear what such elements may be and therefore greater clarification would be appreciated.

Yours faithfully



Mark Johnson
Managing Director

Comment

Consultee Mrs Iona Taylor (1105057)

Email Address [REDACTED]

Company / Organisation Wetherby Town Council

Address [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Event Name Community Infrastructure Levy : Draft Charging Schedule

Comment by Wetherby Town Council (Mrs Iona Taylor - 1105057)

Comment ID DCS34

Response Date 22/02/19 10:24

Consultation Point Community Infrastructure Levy : Draft Charging Schedule
([View](#))

Status Processed

Submission Type Email

Version 0.2

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one: N/A

Question 1

Do you support the methodology and assumptions used in the CIL Viability Assessment ?

Please tick one:

Question 2

Do you support the proposed CIL rates for new residential development ?

Please tick one: N/A

Question 3

Do you agree the boundaries between the different charging zones are appropriate?

Please tick one: N/A

Question 4

Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail)?

Please tick one: N/A

Question 5

Do you support the proposal to set the rate at £0 for all other types of chargeable development?

Please tick one: N/A

Question 6

Do you support the Council's draft instalments policy?

Please tick one: N/A

Question 7

Do you support the Council's draft Regulation 123 list ?

Please tick one: N/A

Question 8

Do you have any other comments on the Draft Charging Schedule or CIL Viability Assessment?

Additional Comments: Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Wetherby Town Council does not consider that the draft charging schedule sufficiently embodies the 'duty to co-operate' between planning authorities.

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 nearest settlement meets the needs of the new inhabitants, even if it is across a notional border.

This is a situation which *is* likely to be faced in the Harrogate district and as such it must be properly accounted for in this policy.

Examination

In order for the council to introduce CIL, the Charging Schedule must be approved by an independent Examiner

Please tick the relevant boxes:

- I would like to be heard by the Examiner at the Examination
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- I would like to be notified of the publication of the recommendations of the Examiner and reasons for those recommendations
- I would like to be notified of approval of the charging schedule by Harrogate Borough Council

**CONSULTATION RESPONSE FORM:
Community Infrastructure Levy (CIL)**

**Draft Charging Schedule 2019 Consultation
11 January – 22 February 2019**

Please return the completed form **by no later than 4.30pm on Friday 22 February 2019** to:
Planning Policy team, Harrogate Borough Council, PO Box 787, Harrogate HG1 9RW
or email: planningpolicy@harrogate.gov.uk

This form can be submitted online or downloaded at <https://consult.harrogate.gov.uk/portal/>

1. Personal Details		2. Agent's Details (if applicable)	
Title	Mrs		
First Name	Iona		
Last Name	Taylor		
Organisation (where relevant)	Wetherby Town Council		
Address – line 1	██████████		
Address – line 2	██████████		
Address – line 3	██████████		
Address – line 4			
Address – line 5			
Postcode	██████████		
E-mail Address	████████████████████		
Telephone Number	██████████		

Question 1. Do you support the methodology and assumptions used in the CIL Viability Assessment?

Please tick one:

Support

Object

N/A

v

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 2. Do you support the proposed CIL rates for new residential development?

Please tick one:

Support

Object

N/A

v

Please suggest alternate rates (if relevant) and provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 3. Do you agree the boundaries between the different charging zones are appropriate?

Please tick one:

Support

Object

N/A

v

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 4. Do you support the proposed CIL rates for non-residential development (distribution, supermarkets and retail warehouses)?

Please tick one:	Support		Object		N/A	v
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Please provide reasons for your answer:
Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Large empty rectangular box for providing reasons for the answer.

Question 5. Do you support the proposal to set the rate at £0 per square metre for all other types of chargeable development?

Please tick one:

Support

Object

N/A

v

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 6. Do you support the Council's draft instalments policy?

Please tick one:

Support

Object

N/A

v

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 7. Do you support the Council's draft Regulation 123 list?

Please tick one:

Support

Object

N/A

v

Please provide reasons for your answer:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

Question 8. Do you have any other comments on the Draft Charging Schedule, or CIL Viability Assessment?

Additional Comments:

Please be as precise as possible (continue on separate A4 sheet(s) if necessary)

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Signature:

Date:

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