

Selby District Council Community Infrastructure Levy
Draft Charging Schedule Consultation 2014
Response by the Church Commissioners for England

Further to the review of the Selby Draft Charging Schedule and associated evidence base, and having considered the Council's response to our previous comments to the Preliminary Draft Charging Schedule, we wish to make the following further comments to the current consultation.

Developer's Profit

Further to our comments to the Preliminary Draft Charging Schedule (PDCS), we note the revisions made to now adopt the use of 20% of GDV when determining developer profit in order to align with good practice and therefore have no further comment on this issue.

Infrastructure Planning / Section 106 Costs

Paragraphs 12 to 16 of the 2013 CLG guidance highlights the importance of Infrastructure Planning, not only to assist in identifying its infrastructure funding gap, but also to provide transparency on what the charging authority intends to fund in whole or part through the levy and those known matters where section 106 contributions may continue to be sought.

Paragraph 22 also requires that Charging Authorities should provide information about the amounts raised in recent years through Section 106 Agreement, as background evidence. Paragraph 29 requires that in preparing their evidence to inform their proposed levy rates, charging authorities should also show how they have taken into account other development costs arising from existing regulatory requirements in order to demonstrate that the proposed rates will not threaten the delivery of the relevant Plan.

Paragraphs 84-89 in particular then provides further guidance on the interaction between the CIL and section 106 agreements, helping to clarify to developers what they will be expected to pay and through which route, to ensure that there is no actual or perceived 'double dipping'. It continues that the Regulation 123 List will assist at examination in confirming those projects or types of infrastructure that it intends to fund through the levy. Paragraph 88 notes in particular that where the Regulation 123 list includes a generic item (such as education or transport), section 106 contributions should not normally be sought on any specific projects in that category.

At the PDCS stage, it was acknowledged at paragraph 4.7.2 of the Economic Viability Assessment (EVA) that the authority was not sufficiently advanced with its infrastructure plan to develop their thinking on infrastructure and that over the coming months it would begin the process of distinguishing the collection mechanism between section 106 and CIL. On that basis, for the purposes of the EVA, the assessment made an assumption of a 'residual' S106 contribution of £500 per dwelling, albeit this assumption was not evidenced.

To date, no further progress appears to have been made in updating its infrastructure planning evidence further to the Draft IDP of January 2014 included as supporting evidence at the PDCS stage. Furthermore, whilst we note the Council's response to our previous comments at the PDCS stage in its Consultation Statement in relation to the assumptions made regarding on-going S106 contributions, no further evidence is provided other than the very limited evidence at Table 5.3 of the Addendum Report. This relates to 6 historic planning permissions dating back to 2005 with the only intended purpose appearing to be to provide a benchmark to compare S106 contributions with future CIL charges.

In terms of our previous comments, the Council state in its Consultation Statement that more detailed analysis of its data on S106 receipts has since been undertaken, although this information has not been provided in full within the supporting documents (other than as referred to above in respect of Table 5.3 of the Addendum Report). Notwithstanding this, whilst some adjustment has been made to address our previous concerns by increasing the allowance made in the appraisal for S106 contributions from larger site scenarios (i.e. an increase from £500 to £2,500 for 5 ha sites), we still remain concerned that this underestimates the likely

at £150,000 per hectare and £250,000 per hectare respectively. Research undertaken by the HBF/Savills referred to in representations to the Mid Devon Draft Charging Schedule indicated that in respect of large sites, average site servicing costs equated to approximately £250,000 per net developable acre (or £617,500 per hectare), or otherwise £20,000 per dwelling. Advice of the local market provided by Smiths Gore however suggested that at the very least, these costs should be £400,000 per hectare.

The Addendum Report now states at paragraph 2.3.2 that the assumptions regarding benchmark land values are that all sites will be cleared, remediated and fully serviced so that they are readily developable or 'oven ready'. It continues that where sites are not in this condition, the costs of making them 'oven ready' would ordinarily be subtracted from the gross land value in the offer any rational developer would make to a landowner. Whilst it may be right that infrastructure costs come off the land value, they must be accounted for in any appraisal as they are intrinsically tied to the Land Value. Allied to our earlier points above, particularly in respect of build costs going down and with infrastructure costs excluded, it is considered that any appraisal will not therefore be accurate.

In conclusion, in light of the above comments, we consider that the various assumptions made and utilised within the Addendum Report and its associated viability appraisals would suggest that overall, the results continue to raise concerns that the proposed CIL rates in the DCS will seriously bring into question the viability of development proposed within the relevant Plan as a whole.

Draft Instalments Policy

Further to our previous comments which fully supported the introduction of an Instalments Policy in principle, we welcome the Council's decision to do so. As previously highlighted, we stressed that this must ensure that it seeks to reduce the financial burden on the developer, particularly on larger sites where the initial costs of supporting infrastructure and construction costs early on are likely to be significant. In order to achieve this, particularly in the case of larger developments, alongside the general principle of introducing instalments per se, it would further assist if provision was made to a less than proportionate payment in the first instalment to reflect the cash flow issues associated with the early phases of development on larger schemes. We provided a number of examples where such an approach has been adopted as follows:

- Wycombe DC – first instalment for CIL liability over £100,000 is 15% within 60 days
- Bristol CC - first instalment for CIL liability over £35,000 is 15% within 60 days
- Poole - first instalment for CIL liability over £75,000 is 20% within 60 days

We also referred to an alternative approach by Huntingdonshire Council which have a policy that whilst requiring 25% of the CIL liability to be paid in the first instalment, allows a longer time period within which to make the payment depending on what the overall CIL Liability is – i.e. £50,000-£100,000: 120 days, £100,000-£500,000: 150 days and £500,000+: 180 days.

Whilst we are generally content with the draft policy, we believe further recognition of the upfront costs associated with the early phases of development on larger scheme with a CIL liability over £100,000 could be a little more realistic in terms of the proportion and/or the timing of the first payment and in particular, we consider that 35% to be too high and consider this could be amended along the following lines:

	CIL Charge	First Instalment	Second Instalment	Third Instalment
Draft Instalment Policy as proposed	£100,001 and over	35% within 90 days	35% within 6 calendar months	35% within 9 calendar months
Option 1	£100,001 and over	20% within 90 days	30% within 6 calendar months	50% within 9 calendar months
Option 2	£100,001 and over	25% within 120 days	35% within 8 calendar months	40% within 12 calendar months

Tom Ridley

From: Katie Bewick <katie.Bewick@thomaseggar.com>
Sent: 15 August 2014 11:21
To: LDF
Cc: Nicola Gooch; 'Bob Parkes'
Subject: Selby Draft Charging Schedule representation [IWOV-GATWICK.FID253323]
Attachments: Selby signed DCS representation.PDF

Dear Sirs

Please find attached our representation on Selby Council's Draft Charging Schedule, made on behalf of Asda Stores Limited.

If you would like a word version of the document then please let me know.

Kind regards

Katie


Katie Bewick
Trainee Solicitor
for and on behalf of Thomas Eggar LLP

**Thomas
Eggar**

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Thomas Eggar LLP is a limited liability partnership registered in England and Wales under registered number OC326278 whose registered office is at The Corn Exchange, Baffins Lane, Chichester, West Sussex, PO19 1GE.

Policy and Strategy Team,
Selby District Council,
Civic Centre,
Doncaster Road,
SELBY,
North Yorkshire YO8 9FT

Our Ref: HD/P5342/03

Your Ref:

Date: 12 August 2014

Dear Sirs,

Selby Local Plan - Community Infrastructure Levy (CIL) Draft Charging Schedule

Thank you for consulting English Heritage about the Selby Community Infrastructure Levy Draft Charging Schedule. English Heritage recognises the importance of Community Infrastructure Levy as a source of funding to deliver the infrastructure required to underpin the sustainable development of the District. We have the following comments to make on the draft Charging Schedule:-

Proposed rates of CIL

- We have no comments to make regarding the rates of CIL which are proposed for the various categories of new development. In terms of our area of interest, the rates of CIL which are being proposed are unlikely to impact upon future investment in developments which could help secure the future of the heritage assets of the area.

Exceptional circumstances Policy

- We support the intention to allow discretionary relief to be offered in exceptional circumstances. We consider that CIL relief should be offered where the requirement to pay CIL would have a harmful impact on the economic viability of developments which involve heritage assets, particularly those which are at risk.

Indicative draft Regulation 123 List

- The draft list of projects set out in the Infrastructure Delivery Plan, included a number which would have been likely to benefit the historic environment of the District. These included works to create a community venue at Abbot's Staith and public realm improvements associated with Selby Town and Olympia Park. In addition, a number of the Policies in the Adopted Core Strategy include proposals for townscape and environmental improvements in several of the settlements within the plan area (Policy SPI4, for example, makes mention of strengthening the role and performance of the town centres of Tadcaster and Sherburn-in-Elmet through environmental improvements). These would seem precisely the types of projects that could be funded through CIL since they are only likely to be delivered through pooling of any revenues

Andrew McMillan
Selby District Council
Civic Centre, Doncaster Road
Selby
YO8 9FT

24 February 2014

Dear Mr McMillan,

CIL Draft Charging Schedule/IDP update

Thank you for consulting us on your draft charging schedule and updated IDP. Overall, we are pleased to see that the documents within this consultation recognise and emphasise the importance of flood risk and green infrastructure. We have provided the following comments which hopefully you'll find useful:

Flood risk infrastructure schemes

After considering your list of planned and proposed infrastructure projects, our planning and strategic overview team have highlighted the following schemes as being a priority from a flood risk perspective:

Tadcaster:	improvements to defences (£5million scheme)
Cawood:	improvements to defences (£10million scheme)
Ulleskelf:	rebuilding the defences (£10million scheme)

They would also like to point out that improvements to the culvert are required at **South Milford**. This scheme (which is likely to cost several million) should be included within your IDP, or on a reserve list of projects/schemes.

We have highlighted these projects as a priority as they would provide the greatest level of benefit in terms of the number of homes and businesses they would protect. As such, we recommend that they are the initial recipients of any CIL funding for flood risk infrastructure.

However, it may also be helpful to include some smaller schemes, such as reducing the floor risk at **Kirby Wharf**. This could be a valuable use of CIL, particularly if demand from other sectors is lower than expected. As this scheme would only provide protection for 3 to 4 properties, current FDGiA cost-benefit rules mean it would be hard for us to justify an investment in this location. Nevertheless, improving the defences here would cost in the tens of thousands so may make a good project, especially if there is an underspend from the CIL 'pot'.

Environment Agency
Lateral 8 City Walk, LEEDS, LS11 9AT.
Customer services line: 03708 506 506
www.environment-agency.gov.uk

Cont/d..

Andrew McMillan
Selby District Council
Civic Centre, Doncaster Road
Selby
YO8 9FT

24 February 2014

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Environment Agency
Lateral 8 City Walk, LEEDS, LS11 9AT.
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Cont/d..

Tom Ridley

From: Ianthincheyba@aol.com
Sent: 15 July 2014 09:37
To: amacmillan@selby.gov.uk
Cc: Chris Watson
Subject: Fwd: Selby CIL Draft Charging Schedule consultation
Attachments: Selby CIL Draft Charging Schedule consultation

A Mcmillan - unsolicited material

Sir/Madam,

Call it a failure of imagination on my part, but I fail to see how unsolicited and unwanted material – unread, but filed as potential future evidence - apropos the Community Infrastructure Charge invented to cover-up the expense to Selby tax payers of six years of criminality and its consequences.

And for the protection of which criminal Core Strategy I have suffered three false arrests and three kangaroo courts – the first kangaroo court timed to coincide with the ending of the lawful six-week period from the 22nd October 2013 Adoption by an Emergency Meeting of the FULL Council, up until the 3rd December during which protest and grievance against the adoption can take place by Judicial Review, and a final day timed to coincide with my 3rd December 2013 Hearing on charges manufactured by Selby Police working in conjunction with Selby District Council/York & Selby Magistrates' Court (the same court which defrauded me of Statutory Right relating to the criminal Core Strategy previously in 2011) so no evidence of criminality could possibly interfere with the unlawful Adoption of a Criminal Core Strategy because predetermined-ly based on an unlawfully chosen 'core strategic site' Olympia Park by the Emergency meeting!

With no regards whatsoever

Ian T Hinchey Ousebank where 37 families have for 6 years to date been forced to live under threat to life and limb and livelihood CONTRARY TO LAW ; Section 17 Crime & Disorder Act 1998, as it embeds in Planning Law, National Planning Policy Framework Section 8 Paragraph 69 Bullet Point 2 , 2012, and DEFRAUDED of CONSULTATION MANDATED BY PARLIAMENT IN Section 16.2 Countryside & Rights of Ways Act 2000

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JENNIFER HUBBARD, B.A., M.R.T.P.I., TOWN PLANNING CONSULTANT

ALLONBY HOUSE, YORK ROAD, NORTH DUFFIELD, SELBY, N YORKS, YO8 5RU
Telephone: 01757 288291 - Fax: 01757 289038

18th September 2014

Planning Policy Team
Selby District Council
Civic Centre
Doncaster Road
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YO8 9FT

Dear Sirs,

I should be grateful if you would treat – and acknowledge – these representations as an objection in principle to the Council adopting the CIL arrangements and to the detail of the arrangements as currently proposed:

- Having spoken to a number of Parish Councillors (representing different Parishes), it is my firm view that the majority of Parish Councils and local residents have *no idea* what CIL involves.
- The relationship between CIL and Section 106 Obligations is unclear with a strong likelihood that this will lead to double charging (though I accept the *intention* is that this should not happen).
- How CIL will be distributed is even more unclear. It is not acceptable or appropriate to leave such issues to be decided once CIL is up and running.
- A recent report (summary attached) has identified that Parish Councils within areas where CIL is in operation have received only 1% of CIL receipts as opposed to the 15% suggested in the Council's current proposals. At the very least, all Parish Councils in the District should be informed of this latest research and given an opportunity to submit further representations before the Council takes any further decisions on the matter.
- In discussion with interested/involved/knowledgeable parties, it has been suggested that the Council resolved to adopt CIL in order that the benefits of CIL receipts from large scale residential developments might be shared across the District. The relevant date for the payment of any CIL (should the Council go ahead with the proposals) is the date on which the residential development which generates the payments is granted planning permission. Assuming CIL is introduced in April 2015, the question needs to be asked - has the Council assessed which large scale developments are likely to remain without planning permission on that date and hence will be able to contribute to the *actual* as opposed to the theoretical yield to the District-wide fund? Clearly, two of the largest development areas (Olympia Park and land at Sherburn) will not be contributing. Has North Yorkshire County Council responded to the CIL consultation given that the County Council owns very large areas of land at Crosshills Lane, Selby, identified as proposed housing sites in the SADPD Preferred Option Plan

Contd....3
18th September 2014

of funds will be controlled by a very small number of very focussed individuals and the receipts will not be spread fairly across the District.

In conclusion

CIL has many of the characteristics of the Private Finance Initiative (PFI) system which was initially embraced by numerous Councils because it seemed a good idea at the time – but has proved to be an inefficient and costly system. It's not too late for the Council to decide that CIL will represent poor value for the community as a whole, and particularly for the rural areas which are likely to be disadvantaged most.

Yours faithfully,

Jennifer Hubbard

Jennifer Hubbard

Encl.

The investigation uncovered payments to 56 town and parish councils in those areas, with the average sum transferred £1,648.

Ken Browse, chair of umbrella body the National Association of Local Councils, said the figures were "extremely disappointing".

He said: "They confirm our worst fears that the system is in danger of not being fit for purpose and needs an urgent rethink."

But a Department for Communities and Local Government spokesman said it expected the sums transferred under the mechanism to "start from a low base and steadily rise over time".

The spokesman said: "Receipts are passed on six months in arrears. The new provisions do not relate to planning permissions granted before the new rules." He added that the regulations make clear that councils must pass a proportion of levy receipts to their local communities.

Adrian Kerrison, who leads the Nationwide CIL Service, said the proportion of funding transferred could not be fully explained by the payments being made in arrears.

He said: "I can only conclude that most councils haven't yet set up the distribution procedure and are probably in breach of the regulations.

"Parishes in CIL charging authorities will need to take a proactive role in ensuring they receive the funds they are due."



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By email: ldf@selby.gov.uk

Our reference: 724

19 August 2014

Dear Sir/Madam,

Re: Selby Community Infrastructure Levy Draft Charging Schedule

Thank you for inviting the Marine Management Organisation (MMO) to comment on the above consultation. I can confirm that the MMO has no comments to submit in relation to this consultation.

If you have any questions or need any further information please just let me know. More information on the role of the MMO can be found on our website www.gov.uk/mmo

Yours sincerely

Angela Gemmill
Relationship Manager

E stakeholder@marinemanagement.org.uk



INVESTORS
IN PEOPLE

Tom Ridley

From: mcm <melvyn@mcmdevelopments.fsnet.co.uk>
Sent: 17 July 2014 10:59
To: LDF
Subject: 1. Inform you of the next stage of CIL consultation

Sirs,

I refer to the invitation to comment on the CIL re Consultation.

In my opinion, the CIL concept is wrong in principal - another taxation amount that is added to the cost of the dwelling that ultimately is borne by the purchaser? Inflating the price and adding to the affordability problem. (another £3000 per unit)

It should be remembered that each new house contributes each year with a community charge (rates) and this money should be used for infrastructure.

I do not accept the concept that you need to develop a tax system to pay for infrastructure that is not relevant to your particular building project or that sites having such infrastructure paid for by others will make the sites appeal somewhat more attractive to other developers (Oven ready)? Why should someone have to pay an extra £3000 from their purchase towards the CIL.? added to the mortgage over 25 years (what is the true cost?)

The worthiness of the CIL document which for the most part is based upon a best guess land value and other unknowns e.g. G.D.V profits of 20% is laughable. Will the Council refund if the Developer does not make 20% ? Why not ask for the levy to be paid after completion when the profit can be determined?

In summary, the CIL concept will only discourage developers/small builders from building new houses - the industry is being choked by these new taxes and this new way of thinking - getting something for nothing - We already pay taxes on any profits that are made.- Build more Council Houses - Councils can give themselves planning permission and take advantage of the uplift in land value - this can be used to discount the units making them affordable.

National government should be responsible for CI not builders.

A.Builder

Date: 18 August 2014
Our ref: 127815



Andrew McMillan
Selby District Council
ldf@selby.gov.uk

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Crewe Business Park
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CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Andrew

Planning consultation: Selby Sites Community Infrastructure Levy Draft Charging Schedule

Thank you for your consultation on the above dated 14 July 2014

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England have no further detailed comments to make regarding the Selby Community Infrastructure Levy (CIL) Draft Charging Schedule however we welcome the inclusion of Green Infrastructure provision in the Regulation 123 list and Appendix A of the Selby CIL Economic Viability Study, taken from the draft Selby CIL Infrastructure Schedule.

We have attached our previous response dated 28 February for your ease of reference.

For any queries relating to this consultation please contact Merlin Ash by email at merlin.ash@naturalengland.org.uk or on 0300 060 4271. For all other correspondence, please email consultations@naturalengland.org.uk, or if it is not possible to consult by email, please send to the above address.

Yours sincerely

Merlin Ash
Yorkshire and Northern Lincolnshire Team
Natural England

Tom Ridley

From: James Copeland <james.copeland@nfu.org.uk>
Sent: 14 July 2014 16:53
To: Andrew McMillan; LDF
Subject: Selby CIL Draft Charging Schedule consultation

Dear Andrew

Thank you for your letter confirming the second round of consultation is now open. I'm pleased to see changes have been made to the 'Proposed CIL Charge per sq. m' rates.

Can you confirm that Agricultural Buildings, Agriculture Tied Housing and Barn Conversions now fall within 'All other chargeable development (incl. apartments)' and will have a zero rate of CIL?

Kind regards

James

James Copeland
Environment & Land Use Adviser

NFU North East
207 Tadcaster Road
York
YO24 1UD

Tel: 01904 451569
Mob: 07824 394676

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The voice of British farming – www.nfuonline.com

From: Andrew McMillan [mailto:amcmillan@selby.gov.uk]
Sent: 03 March 2014 10:38
To: James Copeland
Subject: RE: NFU – Selby District Council Community Infrastructure Levy Preliminary Draft Charging Schedule Consultation January 2014

Dear Sir/Madam

Thank you for your comments on the Selby Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule. Your comments will be considered and where appropriate, used in taking forward the CIL to the next stage of consultation. You will be informed of progress at the appropriate time.

Policy & Strategy Team

Farmers also need to respond to regulatory changes. The new Nitrate Vulnerable Zones, for example, will require farmers to store slurry for longer periods over the winter months and this will require much larger slurry tanks and lagoons to be constructed over the next two to three years.

Agricultural developments place no or in a few cases a very limited extra burden upon infrastructure. The CIL is essentially a levy on the enhanced value of development land. There is no enhanced land value with agricultural development and therefore the CIL would have to be paid from revenue making all/most agricultural development unviable.

In the Community Infrastructure Levy – Preliminary Draft Charging Schedule; Agriculture is not included therefore not having a set charge. To ensure a clear and fair charging schedule we suggest that the following wording is used for Agriculture, Agriculture Tied Houses and Barn Conversions.

<i>Development type</i>	<i>Proposed CIL rate per Sq. m.</i>
Agricultural Buildings, Agriculture Tied Housing and Barn Conversions	£0

“3.21 CIL is to be charged against all net gain in floorspace, and thus the liability to pay CIL can fall on development that benefits from permitted development rights, and thus in its own right does not require planning permission.....In the circumstances of Agricultural development this has the potential to capture buildings such as Hay Barns, Livestock sheds, Agriculture Tied Houses and Barn Conversions the development of which has no viability. For this reason it is proposed to set agricultural at £0.”

For agriculture to become sustainable in the future it will be essential that developments including all agriculture buildings and structure’s, agriculturally tied buildings and any barn conversions are able to gain planning permission easily and without any additional costs.

We look forward to seeing the final draft with the changes made as stated above.

Could any further consultation documents produced in the future be forward to me with a view to what would hopefully be mutually beneficial input on behalf of the agricultural/land owning sector. In accordance with Article 21 of the Community Infrastructure Levy Regulations 2010, I may wish to be heard by the examiner if an inquiry into the draft charging schedule is held. Please notify me of any such Inquiry.

You may also find the below links to changes (zero rating for Agricultural Buildings, Agriculture Tied Housing and Barn Conversions) made by other Local Authorities useful.

Leeds – Page 5

<http://democracy.leeds.gov.uk/documents/s101380/CIL%20Report%20DPP%20270813%20FINAL.pdf>

Harrogate – Page 63 http://www.harrogate.gov.uk/plan/Documents/CIL/DS-P-LP_CIL-PDCSConsultSummary.pdf

Kind regards

James

James Copeland
Environment & Land Use Adviser

NFU North East
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YO24 1UD

Tel: 01904 451569
Mob: 07824 394676

Tom Ridley

From: johnnytaunton@hotmail.com
Sent: 18 September 2014 16:59
To: LDF
Subject: CIL Consultation

I am writing in my personal capacity as Chair of North Duffield Council, as opposed to on behalf of the Parish Council, as I believe that, once again, this consultation has been implemented without sufficient information being made available to the Parish Councils in the area.

My major concerns on the information that I have seen so far is that there is not sufficient detail with regards to how the CIL money will be distributed. This is of particular concern to us as we have been identified as a Designated Service Village within the SADPD and need to ensure that we do receive infrastructure investment necessary for any development we are expected to accept.

Secondly, whilst a figure of 15% for Parish Councils has been put forward in your discussion paper, I have heard that, in practice, much less is being paid out.

I would object, in principle, to the adoption of the CIL proposals until the detail is much more firm than it is now.

Best Regards,

John Taunton
Chair - North Duffield Parish Council

johnnytaunton@hotmail.com



North

Yorkshire County Council

Business and Environmental Services

Your ref:

Graham Venn

Assistant Director Trading Standards and
Planning Services

Our ref:

Business & Environmental Services

Unit 4/5, Thornfield Business Park

Standard Way, Northallerton

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Tel: 01609 534824

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Web: www.northyorks.gov.uk

16 September 2014

Dear Sir / Madam,

Selby District Council Community Infrastructure Levy Draft Charging Schedule and Viability Assessment: Consultation Response of North Yorkshire County Council

Thank you for consulting the County Council in relation to the Selby District Council Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) and Viability Assessment.

The County Council continues to welcome the fact that Selby District Council has committed to establish a CIL charging mechanism, and has continued to engage the County Council proactively and informally in assessing infrastructure needs in the lead-up to this consultation. Local Authority budgetary challenges are such that the funding and delivery of key pieces of infrastructure to support growth and development is becoming increasingly difficult. CIL therefore represents an important source to contribute towards this vital purpose.

The County Council has an important role in providing infrastructure and services to support housing and commercial development arising from allocations made at District and Borough level within Local Plans and related development planning documents.

....continued

CIL Consultation
Policy and Strategy Team
Selby District Council
Civic Centre
Doncaster Road
Selby
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The case for levying CIL charges in relation to supermarkets (£110 psm) and retail warehousing (£60 psm) would appear to be reasonable and justified.

The County Council welcomes and supports the proposal to levy a nil charge rate upon public and institutional uses, including community facilities, and also in relation to the development of apartments. These categories would include the County Council's 'Extra Care' accommodation and support programme for older people. Indeed, this is particularly important in terms of the County Council's role in the provision of extra care accommodation, where extra care housing is being developed by a not-for-profit social landlord in partnership with the County Council and District Council. Any levying of CIL in relation to such provision would adversely affect its financial viability and therefore prejudice delivery.

However, the County Council is less convinced of the case for levying a nil rate charge upon 'all other chargeable development' excluding apartments. Given the scale of the infrastructure funding gap identified by the District Council, and within the context of the challenges of funding essential infrastructure to support growth, then the County Council considers that the levying of a nil rate charge may be a lost opportunity.

2.0 Draft Regulation 123 List

The County Council welcomes in principle the publication of a Draft Regulation 123 List, outlining the types of infrastructure that the District Council seeks to support through the use of CIL receipts. Indeed, the Draft List reflects positive and proactive joint working between the two authorities over recent months. However, the Draft Charging Schedule and Indicative Draft Regulation 123 List have also been prepared and subjected to consultation ahead of work to develop the District's Local Plan Sites and Allocations Development Plan Document. The following comments are therefore made with the caveat that the Indicative Draft 123 List should be considered as provisional and subject to further work, consultation and revision as the Sites and Allocations DPD emerges and reaches adoption.

The County Council would wish to make the following service-specific comments in relation to the Indicative Draft Regulation 123 List as presented:

- i) **Local Education Authority (Children and Young People's Service)**
CYPS have no specific comments to make. We are pleased to see that the option of s.106 agreements for education contributions has been retained for the larger developments.
- ii) **Local Highways Authority (Highways and Transportation, Business and Environmental Services)**

To be set-out in detail within a separate response submitted within the Authority's capacity as Local Highways Authority.

Once again the County Council welcomes this consultation and the joint working that has preceded it. If you wish to discuss any aspect of this response in more detail then please do not hesitate to contact Carl Bunnage, Regional and Strategic Policy Team Leader, Business and Environmental Services (tel. 01609 532523, carl.bunnage@northyorks.gov.uk).

Yours faithfully

A handwritten signature in black ink, appearing to read 'G. Venn', is written over a light grey vertical line.

Graham Venn
Assistant Director – Trading Standards and Planning Services



North

Yorkshire County Council

Business and Environmental Services

Your ref:

Transport & Development

Highways & Transportation

County Hall, Northallerton,

North Yorkshire, DL7 8AH

Our ref:

Tel: 01609 532371

Contact: **Melisa Burnham**

Fax: 08700 942313

e-mail:

www.northyorks.gov.uk

15 September 2014

Dear Sir / Madam

**SELBY DISTRICT COUNCIL –COMMUNITY INFRASTRUCTURE LEVY (CIL) 2014
DRAFT REGULATION 123 LIST**

Thank you for consulting North Yorkshire County Council (NYCC) as the Local Highway Authority (LHA) on the above consultation document.

The Local Highway Authority (LHA) support the principles of Selby's draft regulation 123 list, which sets out a list of infrastructure requirements it intends will be funded or partially funded through CIL.

The LHA also notes your comments regarding the need to revise and refine this list upon adoption of CIL and with this in mind would request that the results of the recently commissioned Transport assessment work are considered before the final adoption of CIL. NYCC's Transport and Development Officers are providing advice to Selby District Council and their consultants; Pell Frischmann, regarding the development of Selby's Transport Assessment Study, necessary evidence required to support Selby's future Sites and Policies document. The outcome of this assessment will identify a number of junction improvements/mitigation measures which will need to be delivered before the end of the adopted Local Plan. The LHA will expect to see evidence regarding the guaranteed delivery of the identified junction requirements.

CIL Consultation
Policy and Strategy Team
Selby District Council,
Civic Centre,
Doncaster Road,
Selby
North Yorkshire,
YO8 9FT

keep north yorkshire moving



The Coal
Authority

Selby Community Infrastructure Levy (Second Consultation)

Consultation Deadline – 25 August 2014

Contact Details

Planning and Local Authority Liaison Department
The Coal Authority
200 Lichfield Lane
Berry Hill
MANSFIELD
Nottinghamshire
NG18 4RG

Planning Email: planningconsultation@coal.gov.uk
Planning Enquiries: 01623 637 119

Person Making Comments

Anthony B Northcote *HNCert LA(P), Dip TP, PgDip URP, MA, ICIQB, MInstLM, MCMI, MRTPI*
Consultant Planning Advisor to The Coal Authority

Thank you for consulting The Coal Authority on the above document.

Having reviewed the document, I confirm that we have no specific comments to make at this stage.

In relation to your request for updated contact information for your database I've set out the requested information overleaf.

Should you require any assistance please contact a member of Planning and Local Authority Liaison at The Coal Authority on our direct line (01623 637 119).

Yours sincerely

Rachael A Bust

Miss Rachael A. Bust *B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MCMI, MRTPI*
Chief Planner / Principal Manager

CIL Consultation
Policy Team
Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT

5 August 2014

Dear Selby Policy Team

Selby CIL – Draft Charging Schedule

We comment on the CIL in relation to Redrow Homes' land interests at Newton Kyme.

We consider that the 40% affordable housing requirement across the whole of the District along with the CIL requirement is too onerous, despite the Addendum Report suggesting that all of the scenarios tested are demonstrably viable. It remains the case that the District are failing to meet their housing requirement as sites are not being delivered, which is partially based on the onerous affordable housing policy. We suggest that the Council revisit the Affordable Housing policy and we request a review/update of the Affordable Housing SPD.

We object to the Indicative Draft Regulation 123 List in relation to Primary and Secondary Education. The large scale residential sites will effectively be charged twice. Such schemes will pay the CIL charge per sq.m as well as being expected to provide primary schools as an integral part of the development. It should be made clear that where this scenario applies the CIL charge should be proportionately reduced. In any case it is not clear what proportion of the £25 or £45 CIL charge is ring fenced for education contributions.

I look forward to being kept informed of the progress of the CIL.

Yours Sincerely



Mark Johnson
Director

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5 Queen Street
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LS1 2TW

0113 204 2247
0782 448 4092
0113 244 6118
mark@johnsonbrook.co.uk

CIL Consultation
Policy Team
Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT

5 August 2014

Dear Selby Policy Team

Selby CIL – Draft Charging Schedule

We comment on the CIL in relation to the safeguarded land west of Main Street, Hillam on behalf of Redrow Homes, who have an interest in the site.

We consider that the 40% affordable housing requirement across the whole of the District along with the CIL requirement is too onerous, despite the Addendum Report suggesting that all of the scenarios tested are demonstrably viable. It remains the case that the District are failing to meet their housing requirement as sites are not being delivered, which is partially based on the onerous affordable housing policy. We suggest that the Council revisit the Affordable Housing policy and we request a review/update of the Affordable Housing SPD.

We object to the Indicative Draft Regulation 123 List in relation to Primary and Secondary Education. The large scale residential sites will effectively be charged twice. Such schemes will pay the CIL charge per sq.m as well as being expected to provide primary schools as an integral part of the development. It should be made clear that where this scenario applies the CIL charge should be proportionately reduced. In any case it is not clear what proportion of the £25 or £45 CIL charge is ring fenced for education contributions.

I look forward to being kept informed of the progress of the CIL.

Yours Sincerely



Mark Johnson
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Selby CIL DCS Consultation

Representation

Sainsbury's Supermarkets Limited (SSL)

September 2014

Turley

1. Selby CIL DCS Representation

- 1.1 Sainsbury's Supermarkets Limited (SSL) objects to the proposal within the Selby Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) to set a differential CIL charge for development defined as 'supermarkets' at £110 per square meter (psm).
- 1.2 Despite SSL's representations to the Selby CIL Preliminary Draft Charging Schedule (PDCS) consultation, which stated SSL's belief that Selby Council's viability evidence base was flawed, SSL remains of the view that this remains the case.
- 1.3 The CIL Regulations permit differentiation by scale as appropriate if, and only if, there is clear evidence that the proposed threshold marks a point at which the viability characteristics of the type of development change. If there is no material difference in viability between development on either side of the threshold then there is no justification for treating similar development differently.
- 1.4 The Selby CIL Addendum Report, prepared by consultants PBA and published in April 2014, introduces a definition for 'supermarkets' over pages 8 and 9. This highlights a key characteristic of 'supermarkets' as having a sales area for goods in excess of 500 square meters.
- 1.5 Firstly, there is nothing, of any substance, in the "relevant evidence" supporting the DCS (i.e. the Selby CIL Addendum Report and previously published Selby CIL Viability Report) that provides adequate "fine grained" evidence that there is any viability difference either side of the proposed 500 square meter threshold for 'supermarket' use.
- 1.6 The additional viability analysis that has been prepared and published fails to provide any adequate, evidence that substantiates this threshold is an appropriate one.
- 1.7 The closest 'archetypes' tested are at 1,200 square metres (GIA) for 'neighbourhood convenience', and 4,000 square metres (GIA) for a 'supermarket'. These appraisals do not test the implications on viability of setting a threshold of 500 square metres, for both archetypes far exceed this proposed threshold.
- 1.8 Moreover, these 'archetypes' are not consistent in their underlying assumptions – with differing cost and value points utilised. Hence, they do not compare a 'like for like' for the purpose of setting a differential rate for a development type.
- 1.9 In the absence of adequate evidence, the proposed threshold of 500 square meters for a 'supermarket' use cannot, properly, be maintained.
- 1.10 Secondly, this threshold and the wider definition are not incorporated within the Selby CIL DCS. As a result, 'supermarkets' and 'retail warehouse' remain undefined for the purposes of applying the CIL DCS. This ambiguity will undoubtedly give rise to challenge, and must be resolved and consulted upon within proposed modifications to the Selby CIL DCS prior to submission to the Planning Inspectorate for CIL Examination.

Turley
1 New York Street
Manchester
M1 4HD

T 0161 233 7676

Turley

Tom Ridley

From: Rose Freeman <rose.freeman@theatrust.org.uk>
Sent: 13 August 2014 12:37
To: LDF
Subject: CIL Draft

Follow Up Flag: Follow up
Flag Status: Flagged

Our Ref.: A/5995

Community Infrastructure Levy – Addendum Report

Thank you for your email of 14 July consulting The Theatres Trust on the CIL draft charging schedule.

The Theatres Trust is The National Advisory Public Body for Theatres. The Theatres Trust Act 1976 states that *'The Theatres Trust exists to promote the better protection of theatres.* It currently delivers statutory planning advice on theatre buildings and theatre use through the Town & Country Planning (General Development Procedure) (England) Order 2010 (DMPO), Articles 16 & 17, Schedule 5, para.(w) that requires the Trust to be consulted by local authorities on planning applications which include *'development involving any land on which there is a theatre.'*

The Addendum Report shows the Revised Charging Schedule on page 20 and the nil rate remains for community facilities which we support despite the word 'cultural' being omitted.

D1, D2 and some sui generis uses (e.g. theatres) often do not generate sufficient income streams to cover their costs. Consequently, they require some form of subsidy to operate and this type of facility is very unlikely to be built by the private sector.

Rose Freeman
Planning Policy Officer
The Theatres Trust
22 Charing Cross Road
London WC2H 0QL
Tel: 020 7836 8591
Fax: 020 7836 3302

planning@theatrust.org.uk

Learn more about theatres with our online resource '[Exploring Theatres](#)'
Check out your local theatre on The Theatres Trust '[Theatres database](#)'

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NK/EF
18 September 2014

Planning Policy Team
Selby District Council
Civic Centre
Doncaster Road
Selby YO8 9FT

Dear Sirs,

We shall be pleased if you would treat these representations as an objection to the Council adopting CIL arrangements. Our opinions are based on the following:-

1. The relationship between CIL and Section 106 obligations is not clear and we believe it will lead to double charging.
2. It is unclear as to how CIL will be distributed, and this is not acceptable. This issue should be decided before CIL is adopted and in place.
3. Parish Councils seem to have no idea as to what CIL involves and it appears from a recent report that Parish Councils have only received 1% of CIL receipts to date, as opposed to the 15% suggested in SDC's current proposals.
4. Assuming CIL is introduced in April 2015, it is debatable whether there will be any large scale payments of CIL, bearing in mind that the largest developments proposed for Selby District at Olympia Park and at Sherburn in Elmet will not be contributing, bearing in mind that they already have planning permission. It is also highly likely that other larger type residential developments will be granted planning permission before April 2015. It would therefore appear that there will be no significant receipts received to support infrastructure developments across the district.
5. The subdivision of the district into two charging areas is, at best, flawed and, in our opinion is grossly unfair. It is quite amazing that in respect of CIL there are apparently two housing markets, whereas there are six housing markets identified in the Core Strategy, but only one as far as affordable dwellings are concerned.
6. It remains our opinion that there is absolutely no necessity for CIL to be introduced in Selby District, bearing in mind that the provisions of the Section 106 Agreement appears to be working successfully.

Yours faithfully,

Nick Kay

NICK KAY BA (Hons), pgDip, MRICS
STEPHENSONS



Partners

JF Stephenson MA (Cantab) FRICS FAAV
IE Reynolds BSc (Est Man) FRICS
REF Stephenson BSc (Est Man) MRICS FAAV
NJC Kay BA MRICS

Associates

CS Hib FNAEA
M T Taylor MI-AEA

Dear Sir / Madam,

Re. Selby Community Infrastructure Levy (CIL) Consultation – July 2014

Thank you for giving the Yorkshire Wildlife Trust the opportunity to comment on plans for the Selby CIL. The information on what is new in this stage of the consultation, provided under the FAQ's section, was most useful. We suggest this information is easier to find in future stages of consultation, e.g. by placing a link titled 'what is new' on the first page.

The YWT is commenting on the draft Regulation 123 list, not on the Draft Charging Schedule. We are happy to see that 'Green infrastructure and off-site recreation open space 5%' is included on the R123 list. In the absence of more detailed information, we presume this refers to Green Infrastructure projects listed under Appendix 1 of Selby's draft Infrastructure Delivery Plan (Jan 2014), including those in which the YWT is identified as a potential partner:

- p.19 – Area wide - Selby Green Infrastructure Strategy;
- p. 20 – Selby Town & Olympia Park - Selby Greenspaces access, biodiversity, natural play, community engagement;
- plus the additional project at Barlow Common LNR - Access and Biodiversity improvements paths and access infrastructure, fencing for livestock management, scrub management (provided in an April 2014 update by the YWT).

We note that Selby DC will have to develop a mechanism for distributing money from a district-wide 'Recreation Open Space and Green Infrastructure' fund (and consult on it) when the CIL is brought into force. The YWT would be grateful to comment again at that stage.

Yours faithfully,

Sara Robin
Conservation Officer (Planning)
Yorkshire Wildlife Trust
1 St George's Place
York
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Telephone: 01904 615581
Email: sara.robins@ywt.org.uk

Tom Ridley

From: Stringer, Morgan <morganstringer@wakefield.gov.uk>
Sent: 14 August 2014 10:43
To: LDF
Cc: Holland, Deborah
Subject: FW: Response to Selby CIL DCS due 26/08
Attachments: Selby Publicity Letter.docx

Dear Sir/ Madam

Thank you for consulting us on your Community Infrastructure Levy Draft Charging Schedule. I can confirm that Wakefield has no objections to the rates proposed in the DCS. The residual land valuation appraisal approach is consistent with the approach used by Wakefield in setting the rates for our recent PDCS, for which the consultation recently closed on 6th August.

The rates proposed in Selby's DCS are comparable to those proposed by Wakefield in the PDCS, in particular on the boundary between the two districts. Therefore, we do not consider that the proposed rates and the charging zones would result in any significant cross boundary implications. In addition, we consider that the proposed rates would achieve the correct balance in terms of the viability of development and funding the infrastructure necessary to support the growth of the district.

I have attached the completed database update form.

I note that we did not receive a response from Selby in relation to our PDCS consultation. However, should you wish to make any comments, details can be found on our website at the link below. Please email any comments directly to me or my colleague Debbie Holland. We are hoping to be in a position to consult on our DCS before the end of the year.

<http://www.wakefield.gov.uk/residents/planning/policy/community-infrastructure-levy>

Kind regards

Morgan

Morgan Stringer
Senior Planning Officer Spatial Policy
Wakefield Council
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Direct Line: (01924) 306616
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Please note my usual working days are Tuesday, Wednesday and Thursday.

The WMDC Disclaimer can be found at:

<http://www.wakefield.gov.uk/SiteInformation/E-MailDisclaimer/default.htm>

WHITLEY PARISH COUNCIL

Clerk: Mr K Leppingwell

1, The Paddock, Doncaster Road, Whitley, DN14 0HZ

Telephone 01977 662800 Email lepp38@tiscali.co.uk

16th September 2014

Community Infrastructure Levy Consultation

Comments from Whitley Parish Council

Closing date for comments 18/9/2014

Dear Sirs,

The parish council has the following comments and observations with regard to the CIL consultation documents published on your website:

1. The councillors disagree strongly with the proposal to have a two-tier levy with the southern part of Selby District having a much lower level than the northern part.

The following points reinforce our views on this matter:

- ❖ Developers are almost certain to choose available sites in the villages in the southern part of the district that have already seen heavy development without any matching benefits in terms of infrastructure. Development should be spread evenly across the district and no parts should be expected to accommodate the bulk of future housing development.
- ❖ Infrastructure costs will be more or less equal in all parts of Selby district therefore those parts with the lower levy applied will get less value in terms of local infrastructure provision.
- ❖ Many of the villages in the northern parts already have better infrastructure than those villages in the southern parts. A two-tier levy will further accentuate the inequality.
- ❖ Developers will be drawn to the parts of the district where costs are lower and again leading to further developments in villages that have already seen a large growth in the

Tom Ridley

From: Paul Hey <Paul.Hey@yorkconsort.gov.uk>
Sent: 01 September 2014 07:42
To: LDF
Subject: CIL consultation

Dear Sir/Madam,

I respond in regard to the latest consultation on the proposed CIL. None of the Boards would have any further comments to make at this stage and would refer you to the comments previously submitted as part of this process.

Your faithfully

Paul S Hey

This e-mail, together with any attachment, is confidential and is intended solely for the individual to whom it is addressed. The views expressed are that of the author and do not constitute or imply the endorsement or recommendation of the Drainage Board. If you are not the intended recipient please inform the sender immediately.

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CIL Consultation
Policy Team
Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT

4 August 2014

Dear Selby Policy Team

Selby CIL – Draft Charging Schedule

We comment on the Draft Charging CIL on behalf of the Yorkshire Ambulance Service. The Indicative Draft Regulation 123 List is a little vague and is considered it should be more detailed given that this has gone beyond the Preliminary Draft Charging stage and we are now at the Draft Charging Schedule stage. There are no individual infrastructure projects listed other than a reference to A64 flow and capacity improvements on the main junctions and route of the A64.

On behalf of the Yorkshire Ambulance Service it is considered appropriate for the Ambulance Service requirements to be included on the infrastructure list. As a result of additional residential development, the Ambulance Service may be required to deliver additional response units in order to meet nationally set response targets. Such requirements should be included on the Regulation 123 List within the 'Capacity Increases in GP surgeries and dentist's office'. This should also include Emergency Services provision. It is appropriate, fair and reasonable for the YAS requirements to be partly funded via CIL.

The Infrastructure List at Appendix one of the EVA (September 2013) is a lot more detailed and it is not clear why this level of detail is not included in the Indicative Draft Regulation 123 List.

Yours Sincerely



Mark Johnson
Director

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