

**CALDERDALE COUNCIL**

**CALDERDALE COMMUNITY INFRASTRUCTURE LEVY (CIL)**

**The Community Infrastructure Levy Regulations 2010 (as amended)**

**REGULATION 19 CONSULTATION STATEMENT incorporating**

**STATEMENT OF COMPLIANCE**

**January 2019**

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## **1. INTRODUCTION**

- 1.1 The Council commenced work on the introduction of the Community Infrastructure Levy in 2014. It released the Preliminary Draft Charging Schedule (PDCS) in November 2015 and was released alongside the consultation on Calderdale Local Plan “Potential Sites and Other aspects of the Local Plan”. It was very much seen as a supporting element in the development of the Local Development Framework for Calderdale.
- 1.2 Comments were received on the PDCS and these are included in the report attached as Appendix 8. The Council’s considered responses to the points raised by respondents are also contained within that Appendix.
- 1.3 Following the major changes to the CIL regime that were introduced by amendments to the CIL Regulations, and the decision to undertake a different approach to the preparation of the Local Plan, progress on the development of CIL was halted until 2018.
- 1.4 The additional work to underpin the CIL Draft Charging Schedule and to further assess its viability were undertaken during 2018, and the consultation on the CIL DCS was released alongside that of the Calderdale Local Plan in August 2018.

## **2. CALDERDALE COMMUNITY INFRASTRUCTURE LEVY: DRAFT CHARGING SCHEDULE (CIL-DCS)**

- 2.1 The formal consultation on CIL-DCS was released on 10<sup>th</sup> August 2018 and closed on 2<sup>nd</sup> October 2018 and is attached as Appendix 5. The CIL-DCS was supported by the Local Plan and Preferred Sites for Allocation Viability Assessment 2018 and the Calderdale Infrastructure Delivery plan 2018.

### **WHO WE INVITED TO MAKE COMMENTS AT THE DRAFT CHARGING SCHEDULE PUBLICATION STAGE**

- 2.2 The Council’s Statement of Community Involvement (SCI) (Adopted 2015) sets out who we will consult with in preparing our Local Plan and the Community Infrastructure Levy. It is not over prescriptive about the methods of consultation to be used at different stages, but does establish the organisations and stakeholders to be approached.
- 2.3 The list below outlines the organisations and other bodies that we consulted and informed of the Draft Charging schedule for the Calderdale CIL.

**‘Specific’ and ‘Duty to Co-operate’** consultation bodies include the following:

- City of Bradford Metropolitan Council;
- Kirklees Metropolitan Council;
- Lancashire County Council;

- Oldham Metropolitan Borough Council;
- Rochdale Metropolitan Borough Council;
- Rossendale Borough Council;
- Burnley Borough Council;
- Pendle Borough Council;
- Civil Aviation Authority;
- Coal Authority;
- Historic England (the Historic Buildings and Monuments Commission for England);
- Environment Agency;
- Highways England;
- Homes and Communities Agency (HCA);
- Natural England;
- Network Rail Infrastructure Ltd.;
- Leeds City Region Local Enterprise Partnership (LEP);
- Northern Electric Distribution Ltd.;
- Northern Gas Networks Ltd.;
- West Yorkshire Police (the local policing authority);
- Yorkshire Water (the water and sewerage undertaker);
- Office of Rail Regulation;
- West Yorkshire Combined Authority (WYCA);
- (NHS England – Calderdale and Huddersfield – or internally within Calderdale Council which now has responsibility for health matters);
- Parish and Town Councils within Calderdale;
- Parish and Town Councils in neighbouring local authority areas;
- plus other relevant gas, electricity and electronic communications network infrastructure providers.

**‘General’ consultation bodies include the following:**

2.4 Voluntary bodies some or all of whose activities benefit any part of the borough; bodies that represent the interests of different racial, ethnic or national groups in the borough; bodies that represent the interests of different religious groups in the borough; bodies that represent the interests of disabled persons in the borough; bodies that represent the interests of businesses in the borough.

**Additional Groups and Bodies:**

2.5 In addition to the above groups, we also seek to involve and consult a wide range of other interest groups and organisations, developers and consultants, as well as **local residents** and businesses.

**DATE OF PUBLICATION OF STATEMENT OF REPRESENTATIONS PROCEDURE IN LOCAL PRESS**

2.6 As part of the notification about the release of the CIL-DCS we published the “Statement of Representations Procedure” as required by Regulation 17. This was placed on the Council’s Web-site, in all local libraries and Customer First offices and was summarised in the email and letter that was also released to all existing persons who had registered an interest in the Calderdale Local Plan and/or CIL. (See Appendix 3 for Text of Public Notice setting out the required Statement of Representations Procedure).

2.7 The Statement of Representations Procedure for the Draft Charging Schedule for CIL was published in newspapers circulating in the local area as follows;

- Halifax Courier; Friday 10<sup>th</sup> August 2018;
- Brighouse Echo; Thursday 9<sup>th</sup> August 2018;
- Hebden Bridge Times; Thursday 20<sup>th</sup> September 2018;
- Todmorden News; Thursday 20<sup>th</sup> September 2018;

A total of 4,768 emails were sent;

A total of 527 letters were sent to people Registered but without an email address.

2.8 The Council placed hard copies of the Calderdale Local Plan documents into all Local Libraries and Customer First offices across the district and made interactive versions available on the Council's web-site.

## **INFORMATION EVENTS**

2.9 Having notified local residents, agents, stakeholders and the consultation bodies about the Regulation 19 representation period for the Calderdale Local Plan and the Draft Charging Schedule for the Calderdale Community Infrastructure Levy, the Council provided a number of drop-in sessions where local residents could find out more about the Calderdale Local Plan and CIL and the manner in which they could make representations.

Three sessions were held:

1. Hebden Bridge Library: Thursday 23<sup>rd</sup> August 2018;
2. Brighouse Library: Monday 3<sup>rd</sup> September 2018;
3. Halifax Library: Thursday 6<sup>th</sup> September 2018;

2.10 Officers from the Local Plan Team were also available at the Halifax Customer First Centre between 9.00am and 1.00pm on Mondays, Wednesdays and Friday to assist customers to find out more about the Local Plan. Technical support was available from the Customer First staff at all times during the normal opening hours.

## **3. REGULATION 123 List 2018**

3.1 The Council is required to set out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the Community Infrastructure Levy (CIL). In order to ensure that individual developments are not charged for the same infrastructure items through both Section 106 Agreements and the CIL, a S106 contribution cannot then be made towards an infrastructure item already on the List. The current Regulation 123 List was provided as part of the consultation on the Draft Charging Schedule and will be updated as progress on the CIL advances, and in accordance with the CIL Regulatory framework.

<b>Types of Infrastructure</b>	<b>Notes</b>
<b>Flood Risk Mitigation Schemes</b>	
<b>Primary and Secondary education</b>	Except for large scale residential development which will be expected to provide schools either as an integral part of the development or as the result of no more than 5 separate planning obligations.
<b>Green Infrastructure Improvements in terms of quantity and quality</b>	Except for on-site public open space required to make development acceptable.
<b>Highway Schemes (Strategic Schemes could be named)</b>	The use of Section 278 is still possible to ensure developments are acceptable in planning terms and to mitigate their immediate impacts.
<b>Public transport schemes</b>	
<b>Pedestrian and cycle networks</b>	
<b>Community sports, leisure and recreation facilities</b>	
<b>Public realm improvements</b>	Except for on-site provision where this is required to make development acceptable.

(NOTE: The above list is based on the infrastructure requirements established by the Local Plan and Council's Infrastructure Delivery Plan).

- 3.2 The Council will review this list on a regular basis, as part of monitoring of CIL collection and spend, and any changes will be justified and subject to appropriate local consultation. The list does not identify priorities for spending within it, or any apportionment of the CIL funds across the District, and does not signify a commitment from the Council to fund the projects listed through the CIL.
- 3.3 The Council will work with local communities and Parish/Town Councils to agree local priorities for spend. The 'meaningful proportion' held by local communities may be spent on items listed above but it does not have to be.

#### 4. OVERVIEW OF THE REPRESENTATIONS RECEIVED:

##### **CALDERDALE COMMUNITY INFRASTRUCTURE LEVY- DRAFT CHARGING SCHEDULE**

4.1 The Council received the following number of responses on the Publication Consultation Documents during the Consultation Period.

Document Name	Number of Duly Made Representations	Number of Contributors
Calderdale Community Infrastructure Levy - Draft Charging Schedule	57	49

There were no late representations.

The full text of comments made to the CIL-DCS is attached as Appendix 5.

#### **MAIN ISSUES**

##### **CALDERDALE COMMUNITY INFRASTRUCTURE LEVY- DRAFT CHARGING SCHEDULE (2018)**

4.2 Whilst there was general support for the introduction of Community Infrastructure Levy across Calderdale there were a number of issues raised which can be summarised as follows:

- There is no justification for the different CIL rate charged in Brighouse (£40.00/sq.m) including on the Garden Suburb sites, it is unfairly low;
- Section 3.2 needs to be clearer in terms of the charging for agricultural buildings;
- The Regulation 123 List should be amended to more precisely define Green Infrastructure and Walking and Cycling;
- There needs to be a higher threshold for exemptions to ensure small scale housing is not stifled;
- Concerns are expressed that the Exceptional Circumstances Policy guidelines are not sufficiently defined;
- Concerns are expressed over the high CIL charge proposed around Hebden Bridge (£85.00/sq.m);
- The CIL-DCS has the scope to reduce developer profits in combination with the need for affordable housing, and could therefore lead to uneconomic/unviable development which will not be delivered;

## 5. STATEMENT OF COMPLIANCE

### Declaration under section 212(4) of the Planning Act 2008

- 5.1 Calderdale Council declares that as the Charging authority it has complied with the relevant requirements of Part 11 of the Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended).

### Compliance with the requirements of the Planning Act 2008

Part	Compliance
Part 206	<p>A Charging Authority can charge CIL in respect of development in its area. The Local Planning Authority is the Charging Authority for its area.</p> <p>Calderdale Council is therefore the Charging Authority for the purposes of the CIL Draft Charging Schedule submitted for examination.</p>
Part 211	<p>In preparing the CIL- Draft Charging Schedule Calderdale Council has had regard to:</p> <ul style="list-style-type: none"><li>• the actual and expected costs of infrastructure;</li><li>• the economic viability of development;</li><li>• the implications of Local Plan Policy requirements which may affect development viability;</li><li>• actual or anticipated sources of funding for infrastructure;</li><li>• the actual or expected administrative expenses in connection with CIL;</li><li>• the Statutory Guidance established by the Community Infrastructure Regulations 2010;</li></ul> <p>Calderdale Council has consulted a range of stakeholders in preparing the CIL-DCS as follows:</p> <ul style="list-style-type: none"><li>• Stakeholder workshop to inform the Viability Study held in 2013.</li><li>• Preliminary Draft Charging Schedule Consultation in 2015;</li><li>• Draft Charging Schedule Consultation: 10<sup>th</sup> August to 1<sup>st</sup> October 2018;</li></ul>
Part 212	<p>The Examination of the Calderdale CIL-DCS is yet to take place.</p> <p>The following information is available in support of the Calderdale CIL Draft Charging Schedule:</p> <ul style="list-style-type: none"><li>• Calderdale CIL-DCS Consultation Document approved by Council in June 2018 (released for consultation 10<sup>th</sup> August 2018);</li><li>• Calderdale: Local Plan and CIL Viability Assessment (LPCVA)(2013);</li><li>• Calderdale: Local Plan and Preferred Sites for Allocation Viability Assessment (2018);</li><li>• Calderdale Infrastructure Delivery Plan (2012);</li><li>• Calderdale Infrastructure Delivery Plan (2018);</li></ul>

**Compliance with the Community Infrastructure Levy Regulations 2010 (as amended).**

<b>Reg No</b>	<b>Compliance</b>
<b>12</b>	<p>The Calderdale CIL-DCS contains the information required by the Regulations namely:</p> <ul style="list-style-type: none"> <li>• The name of the Charging Authority;</li> <li>• The rates (in Pound Sterling) per square meter at which CIL is to be chargeable in the Authority's area;</li> <li>• The location and boundary of zones for differential rates, on a ordnance survey base;</li> <li>• An explanation of how the chargeable amount will be calculated;</li> </ul>
<b>13</b>	<p>Calderdale Council's differential levy rates are compliant with Regulation 13, which enables Charging Authorities to set differential rates by location and type of development.</p>
<b>14</b>	<p>In setting its differential rates for CIL, Calderdale Council has complied with regulation 14(1), which requires that it "must aim to strike what appears to the Charging Authority to be an appropriate balance between:</p> <ol style="list-style-type: none"> <li>a. The desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and</li> <li>b. The potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area." <p>This aim for an appropriate balance has been shown in the explanation in the CIL-DCS consultation document itself, and the supporting available evidence.</p> </li></ol>
<b>15</b>	<p>The Calderdale CIL-Preliminary Draft Charging Schedule (PDCS) was approved by Council in</p> <p>Consultation on the Calderdale CIL-PDCS occurred in accordance with the Regulations between 6<sup>th</sup> November and 18<sup>th</sup> December 2015 with the prescribed Consultation Bodies, stakeholders and local residents.</p> <p>Hard copies of the Calderdale CIL-DCS were made available in all Libraries and Customer First offices across Calderdale.</p> <p>Consultation drop-in events were held across Calderdale</p> <p><a href="http://www.calderdale.gov.uk/localplan">www.calderdale.gov.uk/localplan</a></p> <p>During the Consultation on the CIL-PDCS 19 negative representations were received, while 27 supporting comments were made.</p>
<b>16</b>	<p>The Calderdale CIL-Preliminary Draft Charging Schedule was approved by Cabinet on 11<sup>th</sup> June 2018, and published for consultation on 10<sup>th</sup> August 2018, together with the relevant supporting evidence.</p> <p>Consultation occurred in accordance with the Regulations between 10<sup>th</sup> august and 1<sup>st</sup> October 2018, with the prescribed Consultation Bodies, stakeholders and local residents.</p> <p>Hard copies of the Calderdale CIL-DCS were made available in all Libraries and Customer First offices across Calderdale.</p> <p>Consultation drop-in events were held in Hebden bridge, Brighouse and Halifax.</p> <p>Press Notices were placed in papers circulating in the local area and all the documentation was available on the Council's web-site:</p> <p><a href="http://www.calderdale.gov.uk/localplan">www.calderdale.gov.uk/localplan</a></p>



	57 comments were made by 49 respondents.
<b>17</b>	The Calderdale CIL-DCS was released for consultation between 10 <sup>th</sup> August and 1 <sup>st</sup> October 2018
<b>19</b>	<p>Calderdale Council is submitting this Declaration in accordance with the Regulations and the statement under Regulation 19 includes:</p> <ul style="list-style-type: none"> <li>a. The Calderdale CIL- Draft Charging Schedule;</li> <li>b. A summary of the main issues raised by the representations to the Calderdale CIL-DCS;</li> <li>c. Copies of the representations received to the Calderdale CIL-DCS;</li> <li>d. No Modifications are proposed to the CIL-DCS arising from the comments made by respondents;</li> <li>e. Copies of the relevant evidence which has been used to support the preparation of the Calderdale CIL-DCS.</li> </ul>
<b>21</b>	The time and place of the Examination Hearings and the name of the Examiner appointed to assess the Calderdale CIL-DCS will be published on the Council's web-site at least 4 weeks before the opening of the Examination.

# APPENDICES

## Appendix 1:

**ALL Organisations Notified of the Consultation on the Draft Charging Schedule for the Calderdale Community Infrastructure levy.**

<b>DUTY TO COOPERATE ORGANISATIONS</b>	<b>Other Organisations, Companies and Action Groups</b>
Bradford Metropolitan District Council	Abbey Park Tenants and Residents Association
Barnsley Borough Council (LCR)	
Burnley Borough Council	Accent
Calderdale CCG	Advance Land and Planning Ltd
Craven Borough Council (LCR)	
Harrogate Borough Council (LCR)	Age UK Calderdale & Kirklees
Homes & Communities Agency	Aire & Calder Rivers Group
Highways England	Alternative Technology Centre
Environment Agency	Ambulance Services
Greater Manchester Combined Authority	
Kirklees Metropolitan Council	Amec Foster Wheeler
Historic England	Anchor Homes
Lancashire County Council	Angela Viney Conveyancing Services
Leeds City Council (LCR)	Arriva plc
Leeds City Region Enterprise Partnership (LCR)	
North Yorkshire County Council (LCR)	
Oldham Metropolitan Borough Council	Arriva Yorkshire
National Grid plc	
Pendle Borough Council	Asda Stores Ltd
Natural England	Ash Green Community Primary School
Rochdale Metropolitan Borough Council	Associated Waste Management
Rossendale Borough Council	Avalon Town Planning & Architectural Design Consultants
Sport England	AWG Property Ltd
West Yorkshire Combined Authority	B N P Paribas Real Estate
Wakefield Metropolitan District Council (LCR)	Bankhead Group
Selby Borough Council (LCR)	Bankway Properties Ltd
Office of Rail Regulation	Barkerend Estates
Northern Gas Network Operations Ltd	Barratt Homes & David Wilson Homes
York City Council (LCR)	Barton Willmore Planning Partnership

<b>DUTY TO COOPERATE ORGANISATIONS</b>	<b>Other Organisations, Companies and Action Groups</b>
Yorkshire Water plc	Bayswater Contractors Limited
Yorkshire Water Services Ltd	Bellway Homes (North East)
	Bellway Homes Ltd
	Blackley Baptist Church & Centre
	Blackshaw Holdings Ltd
	Blackshaw Parish Council
	Bolton Brow J, I & N School
	Briercliffe-with-Extwistle Parish Council
	Brierstone Developments Ltd
	Brighouse Business Initiative
	Brighouse Road Safety Committee
	Brighouse Sports Club
	British Geological Survey
	Brosters Environmental Ltd
	C T I L
	c/o D G L G
	c/o Larcroft Ltd
	Calder and Colne Rivers Trust
	Calder Civic Trust
	Calder Future
	Calder Rivers Trust
	Calder Valley Community Land Trust
	Calderbrook Estates Ltd
	Calderdale Association for the Deaf
	Calderdale Birds Conservation Group
	Calderdale College
	Calderdale Friends of the Earth
	Calderdale Green Party
	Calderdale Interfaith Council
	Calderdale Landlords' Association
	Calderdale Local Orchard Group
	Calderdale M B C
	CAMRA
	Canal & River Trust
	Cass Associates
	CDP Ltd
	Central Jamia Mosque Madni & Education Centre
	Centre For Ecology & Hydrology
	Christ Church CE (VA) Junior School
	Clifton Village Neighbourhood Forum
	Cliviger Parish Council
	Clugston Developments
	Confederation Of British Industry

<b>DUTY TO COOPERATE ORGANISATIONS</b>	<b>Other Organisations, Companies and Action Groups</b>
	Co-operative Group
	Copley Primary School
	Copley Village Environment Protection Group
	Copley Village Residents Action Group/Copley in Bloom
	Corporation of the Church House
	Costalot Stables
	Country Landowners Association
	CP Group Limited
	CPRE West Yorkshire
	Cragg Vale Community Assoc.
	Crosslee plc
	Crossley Heath School
	Cullingworth Commercials Ltd
	D P D S Ltd
	David Lloyd Leisure
	David Storrie Planning
	Deco Pack Ltd
	Department For Education
	Diocese of Leeds
	Disability Partnership Calderdale
	DK Architects
	E Bottomley & Sons Limited
	Elland Team Parish - All Saints Church
	Elsie Whiteley Innovation Centre
	Enabling Theatre
	Equality & Human Rights Commission
	Erringden Parish Council
	Eshton Gregory
	Federation of Master Builders
	Fennor Construction Ltd
	First Bus
	Forestry Commission England
	Freight Transport Association
	Friends, Families and Travellers
	G & W Developments
	G L Hearn Holdings Ltd
	G L Hearn Ltd
	G V A
	George F White Ltd
	GHP Architects
	Gladman Developments Ltd
	Gleeson Homes Ltd
	Goodale (Northern) Ltd

<b>DUTY TO COOPERATE ORGANISATIONS</b>	<b>Other Organisations, Companies and Action Groups</b>
	Gordon Rigg (Nurseries) Ltd
	Gradon Estates Limited
	Graham Bolton Planning Partnership
	Greetland & Stainland Liberal Democrats
	Gregory Gray Associates Ltd
	GRN Properties Ltd
	H E C Contracting Ltd
	Halifax Civic Trust
	Halifax Opportunities Trust
	Halifax Parish Church
	Hanson Chartered Surveyors
	Hanson Plywood Ltd
	Hard York Ltd
	Harron Homes Ltd
	Hawdon Russell Architects
	Health & Safety Executive
	Hebden Bridge and District Old People's Welfare Committee
	Hebden Bridge Disability Access Forum
	Hebden Bridge Partnership
	Hebden Royd & The Hill Top Parishes Neighbourhood Plan
	Hebden Royd Town Council
	Heptonstall Parish Council
	Highstone Homes
	Hipperholme & Lightcliffe Environmental Group
	HJ Banks & Co Ltd
	HNA Architects Ltd
	Holywell Hall Management Co Ltd
	Home
	Home Builders Federation
	Hourigan Connolly
	HTL Properties
	Huddersfield Royal Infirmary
	Husband and Brown Limited
	Igloo
	IOP Consulting
	J W P C Ltd
	James Garside & Son Limited
	Javelin Group
	Jupiter Investments Ltd
	Keep Roberttown & Hartshead Rural
	Keep Safe Self Storage Ltd
	Kelda Group plc

<b>DUTY TO COOPERATE ORGANISATIONS</b>	<b>Other Organisations, Companies and Action Groups</b>
	Kershaws Garden Shopping Centre
	Keyland Developments Ltd
	Krell Estates
	L S Crabtree
	Ladyship Estates
	Lake House Investments Ltd
	Lancashire Police Authority
	Leeds Gate
	Leeds/Bradford International Airport
	Leo Group Ltd
	Lepol Fire & Security Ltd
	Lightcliffe Scout Group
	Linear Property Developments Ltd
	Lloyd Loaders (M H) Ltd
	Lowry Partnership
	LUC
	Lucy Zodion Ltd
	Luddenden Conservation Society
	Luddendenfoot Academy
	M.A. Estates Limited
	Malcolm Sizer Planning Ltd
	Manchester Airport plc
	Marshall Construction (West Yorkshire) Ltd
	Marshall Construction (West Yorkshire) Ltd
	Martin Properties
	Martin Walsh Associates
	McCarthy and Stone Developments Ltd
	McDonald's Restaurants LTD
	Mid Yorkshire Chamber Of Commerce
	Mill Bank Group
	Miller Homes Ltd
	Mineral Products Association
	Mosscaire St. Vincents Housing
	N H S Executive
	N J L Consulting
	National Farmers Union
	National Federation of Gypsy Liaison Groups
	National Trust
	National Trust - York Consultancy Hub
	Nestle UK Ltd
	Newsmith Farms Ltd
	NHS Calderdale
	NHS England West Yorkshire Area Team

<b>DUTY TO COOPERATE ORGANISATIONS</b>	<b>Other Organisations, Companies and Action Groups</b>
	NHS Manchester
	Norland C Of E Junior & Infant School
	Norland Scarecrow Festival
	North Halifax Historic Buildings Preservation Trust
	North West Local Authorities Employers Organisation
	Northern Rail
	Northern Trust Group
	Northowram Stone LLP
	Northowram Village Society
	Npower Renewables
	Oakville Residents' Association
	Old Brodleians Rugby Club
	Oldham Access Services
	P S Ryley & Co
	Packaging World
	Park Ward Neighbourhood Forum
	Parkinson Lane Community Primary School
	Patel's News
	Peacock and Smith
	Pennine Prospects
	Persimmon Homes & Charles Church
	Peter Gordon Ratcliffe Deceased Farmland Trust
	Philip S Ryley & Co
	Planning Potential Ltd
	Planning Prospects
	Planware Ltd
	Post Office
	Precious Holdings Ltd
	Queens Sports Club
	R S P B
	Ramblers
	Rand & Asquith
	Rapleys Llp
	RASTRICK Neighbourhood Forum
	Raven Street Youth Centre
	RDC Solicitors
	Redrow Homes (Yorkshire) Ltd
	Residents Action Group
	Retech Recycling Ltd
	Ripponden Junior & Infant School
	Ripponden Parish Council
	Robert Derek Barker and JLLST LLP

<b>DUTY TO COOPERATE ORGANISATIONS</b>	<b>Other Organisations, Companies and Action Groups</b>
	Robert Halstead Chartered Surveyors & Town Planners
	Robinwood Curtains & Blinds
	Roger Lee Planning Ltd
	Rose Grove Residents
	Rosemount Estates
	Royal British Legion
	Royal Mail
	RSPB
	Rural Solutions
	Russell Adams Planning & Development Ltd
	Russell Flooring Co
	Ryburn & Halifax Angling Society
	Ryburn 3 Step
	Ryburn Valley High School
	Ryburn Youth Centre
	S I A Abrasives (GB) Ltd
	Saddleworth Parish Council
	Sanctuary Housing
	Sanderson Weatherall Group Ltd
	Savills (L & P) Ltd
	Seddon Homes Ltd
	Setbray Properties Ltd
	Shelf Action Group
	Shibden and District Bridleways Association
	Shibden Valley Society
	Siddall & Hilton
	Sirius
	Shelf and Northowram Local Plan Forum
	South Pennine Packhorse Trails Trust
	Sowerby Bridge Wardens Rifle Club
	Sowerby Bridge Youth & Community Centre
	Sowerby Neighbourhood Forum
	Sowerby Residents' Association
	Sowerby Village C Of E Primary School
	Spawforth Associates
	Square Chapel Arts Centre
	St. Johns C Of E Junior & Infant School
	St. Johns C of E Primary Academy
	St. Michaels Enterprise Centre
	St. Pauls Methodist Church
	Stainland and District community Association
	Stainton Planning
	Stewart Ross Associates



<b>DUTY TO COOPERATE ORGANISATIONS</b>	<b>Other Organisations, Companies and Action Groups</b>
	Storah Architecture
	Strafford Properties (Developments) Ltd
	Sunny Vale Residents Association
	Sunnyfield Cattery
	SustainEnable Ltd
	Swinton Group Ltd
	T D Jagger Ltd
	Terence O'Rourke
	Tesco Stores Ltd
	Tesni Properties Ltd
	Tetlow King Planning Ltd
	The Coal Authority
	The Greetland Academy
	The Gypsy Council
	The Mill Bank Group
	The Ramblers' Association
	The Smith Foundation
	The Town Hall
	The Turret
	The Victoria Theatre
	The Woodland Trust
	Theatres Trust
	Thornber Chicks Ltd
	Thornhill Estates
	Thornton Architects Ltd
	Thornton Meat
	Todmorden Business Association
	Todmorden Civic Society
	Todmorden Town Council
	Together Housing
	Trades Club
	Traveller Law Reform Coalition
	Trawden Forest Parish Council
	Treesponsibility Climate Action Group
	Tuel Lane Infant School
	UCVR Sustainable Transport Group
	Unitward Ltd
	Universal Commercial Vehicle Export Ltd
	Upper Calder Valley Renaissance
	Valley Mill Action Group
	Valley Mill Residents
	Vibrant Associates Ltd
	Victoria Terrace Residents

<b>DUTY TO COOPERATE ORGANISATIONS</b>	<b>Other Organisations, Companies and Action Groups</b>
	Voluntary Action Calderdale
	W A Fairhurst & Partners
	Wadsworth Community Association
	Wadsworth Parish Council
	Walsden St. Peters Primary School
	Warley Town School
	West Yorks Archaeology Advisory Service
	West Yorkshire Ecology Service
	West Yorkshire Geology Trust
	West Yorkshire Police Estates Department
	Wharfedale Finance Co
	Whitehill Green Community Forum
	Whitworth Town Council
	William Property Management Ltd
	Wilson Ellis Limited
	Wilson Ellis Ltd
	Wm Morrison Supermarkets plc
	Worsthorne with Hurstwood Parish Council
	WS Crossley (York Stone) Limited
	Yorkshire Housing
	Yorkshire Rugby Football League
	Yorkshire Sport Foundation
	Yorkshire Tiger
	Yorkshire Wildlife Trust
	Younger Homes (Northern) Ltd
	Your Housing Group

## APPENDIX 2:

### AGENTS CONTACTED

NAME OF AGENT/AGENCY CONTACTED
Abbey, Land & Associates
Acumen Designers & Architects Ltd
Adams Planning
Addleshaw Goddard
Agent Valley Mill Residents
AK Planning
Alyn Nicholls Associates
Amec Foster Wheeler E & I UK Ltd
Arup
Pegasus Group
Steven Abbott Associates LLP
Atkins Transport Ltd
B N P Paribas Real Estate
Barton Willmore
Beckwith Design Associates Ltd
Brightline Design
Calder Architectural Services
Cally Hall Architecture
Carter Jonas
Cass Associates
Shibden and District Bridleways Association
Chorlton Planning
Chris Eyres Designs
City Hub
Civitas Planning Limited
Committee member and Trustee Walsden Cricket and Bowling Club
Directions Planning Consultancy
Consultant Rose Consulting
Amec E & I UK Ltd
D T Z
Dacres Commercial
David Hill Property Consultants
De Pol Associates Ltd
David Storrie Associates
David Storrie Planning
Kirkwells Ltd

NAME OF AGENT/AGENCY CONTACTED
Morphe Ltd
Placemaker Associates
SSA Planning Limited
Director Stonehouse & Co.
Director, Valley Mill Management Company Valley Mill Action Group
Diskens & Co
Dodd Naze Petition
Eaton Smith Solicitors
Farrar Bamforth Associates Ltd
FCS Consultants
G L Hearn Holdings Ltd
GHP Architects
Graduate Planner H O W Commercial Planning Advisors
Greenstone Design
H O W Commercial Planning Advisors
Halifax Architectural Services
Halifax Civic Trust
Hamways
Harron Homes Ltd
Hartley Planning & Development Associates Ltd.
Hartley Planning Consultants
Head of Planning Dacre Son & Hartley
Housing Enabling Manager Calderdale Metropolitan Borough Council
Hunter Page Planning
ID Planning
Indigo Planning Ltd
KBA Planning Ltd
Knight Frank
Lambert Smith Hampton
Levvel Ltd
Johnson Mowat
Stephen Locke Associates
Martin Walsh Architectural
Martin Walsh Associates
McHugh Projects Ltd
Mcloughlin Planning
Michael Denton Associates
Michael Steel & Co

NAME OF AGENT/AGENCY CONTACTED
Minerals & Waste Management Administrator Carter Jonas LLP
Moreton Deakin Associates
Nathaniel Lichfield & Partners
NJL Consulting
Owner KE Drury
P Casey Enviro Ltd
P Wilson & Co
Bramleys
Partner Storah Architecture
Paul Butler Associates
Peacock & Smith
Pegasus Group
Pickles Architects
Philip S Ryley & Co
JWPC Limited
Sanderson Weatherall on behalf of the Diocese of Leeds
Planning Consultant
Haigh Planning
Storrie Planning
Colliers International
Shibden Valley Society
Planning Potential
Walker Morris LLP
Planware Ltd
Luddenden Conservation Society
Principal I O P Consulting
JOHN MINETT ASSOCIATES
I D Planning
Principal Planning Consultant Arcus Consultancy Services
Principal Titchmarsh & Co Ltd
Proprietor Helliwell Development Services
Rapleys LLP
rg+p Ltd
Robert Halstead Chartered Surveyors & Town Planners
Roger Lee Planning Ltd
Rose Consulting
RPS

NAME OF AGENT/AGENCY CONTACTED
Savills (L & P) Ltd
SECRETARY OAKVILLE RESIDENTS ASSOCIATION
Johnson Mowat
Barton Willmore
Lichfields
Mcloughlin Planning
Nathaniel Lichfield & Partners
Spawforth Associates
Storah Architecture
Stott Thompson Architects Ltd
Studio Baad
Surveyor Walker Singleton
The Planning Bureau Ltd
The Robert Ambler Practice
The Turret
Townsend Planning Consultants
Turley Associates
W B W Surveyors Ltd
W Y G
WA Fairhurst & Partners
Walker Associates Architects
Walker Morris Solicitors
Walker Singleton
Walton & Co
Walton & Co
WBW Surveyors
Wm Sykes & Son
Wood E&I Solutions UK Ltd

## Appendix 3:

### Text of Public Notices

The Council places notices in the newspapers circulating in the local area, setting out the required Statement of Representations Procedure as follows:

- Halifax Courier; Friday 10<sup>th</sup> August 2018;
- Brighouse Echo; Thursday 9<sup>th</sup> August 2018;
- Hebden Bridge Times; Thursday 20 September 2018;
- Todmorden News; Thursday 20 September 2018;

**CALDERDALE COUNCIL  
COMMUNITY INFRASTRUCTURE LEVY ENGLAND AND WALES  
The Community Infrastructure Levy Regulations 2010 (as amended)  
REGULATIONS 16 and 17**

**STATEMENT OF REPRESENTATIONS PROCEDURE**

**CALDERDALE COUNCIL COMMUNITY INFRASTRUCTURE LEVY:  
DRAFT CHARGING SCHEDULE**

Calderdale Council has prepared the Draft Charging Schedule for Calderdale Community Infrastructure Levy (CIL) for Examination by an independent Inspector. The Council intends CIL to be examined by the Planning Inspector appointed to undertake the Public Examination into the Calderdale Local Plan.

**SUBJECT MATTER AND AREA COVERED**

The Calderdale CIL Draft Charging Schedule covers the whole of Calderdale, and proposes tariffs that will be applicable to all chargeable developments across the Borough.

**PERIOD FOR REPRESENTATIONS**

If you wish to make representations about the Calderdale CIL Draft Charging Schedule these must be made in writing within the period commencing Friday 10<sup>th</sup> August 2018 and ending at 5.00pm on Monday 24<sup>th</sup> September 2018.

**All representations MUST be received by the Council by 5.00pm on Monday 24<sup>th</sup> September 2018.**

**Comments arriving after this time will not be accepted.**

All comments must be attributable. Anonymous comments will not be accepted.

PLEASE NOTE: all comments received will be made available for public inspection through the website and cannot be treated as confidential.

**LOCATIONS WHERE DOCUMENTS CAN BE INSPECTED**

The Calderdale CIL and relevant supporting documents are available for inspection:

ONLINE at [www.calderdale.gov.uk/localplan](http://www.calderdale.gov.uk/localplan);

And in hard copy at the following locations during their normal opening hours:

- **Halifax Customer First**, 19 Horton Street, HALIFAX, HX1 1QE;
- **Brighouse Customer First**, Brighouse Civic Hall, Bradford Road, BRIGHOUSE, HD6 1RW;
- **Todmorden Customer First**, Todmorden Library, Strand, Rochdale Road, TODMORDEN OL14 7LB;
- **Hebden Bridge Customer First**, Hebden Bridge Library, Cheetham Street, HEBDEN BRIDGE, HX7 8EP;  
and at
- **ALL Libraries** across Calderdale during their normal opening hours.

## **MAKING REPRESENTATIONS**

Representations regarding the CIL Draft Charging Schedule should be submitted via the online Consultation Portal which can be accessed through the following web-address: [www.calderdale.gov.uk/localplan](http://www.calderdale.gov.uk/localplan)

OR by

CIL Representation Forms: which are available on request, and from Libraries and Customer First Offices.

Completed Forms should be returned to the address indicated below and on the Form.

## **CONSIDERATION OF REPRESENTATIONS**

All representations will be submitted to the Secretary of State for Examination alongside the Calderdale Local Plan.

You can request attendance at the CIL Examination but should indicate this in your representation.

## **REQUEST TO BE NOTIFIED**

Your representation may be accompanied by a request to be notified, at a specified address:

- that the Draft Charging Schedule has been Submitted for Examination;
- the publication of the recommendations of the Examiner and the reasons for those recommendations; and
- the approval of the Charging Schedule by the Council.

## **ADDRESS FOR REPRESENTATIONS**

Representations should be submitted through the on-line Consultation Portal at:

[www.calderdale.gov.uk/localplan](http://www.calderdale.gov.uk/localplan)

Completed Forms may be returned to:

**Spatial Planning Team, Calderdale Planning, Westgate House, HALIFAX HX1 1PS;**

OR by

Email: [spatial.planning@calderdale.gov.uk](mailto:spatial.planning@calderdale.gov.uk)

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For further details, please contact the Council:

01422 288001 or by email: [spatial.planning@calderdale.gov.uk](mailto:spatial.planning@calderdale.gov.uk)



## Appendix 4:

### Notification of Extended Representations Period

Due to difficulties experienced by the Council's web-site over the week end of 15<sup>th</sup>/16<sup>th</sup> September 2018, it became clear that respondents were struggling to make representations on-line. As a result the decision was made to extend the representation period by a full week to Monday 1<sup>st</sup> October 2018. This was advertised in the Council's web-site and also by an insertion into the newspapers circulating in the local area on the following dates:

- Halifax Courier: Friday 20<sup>th</sup> September 2018;
- Brighouse Echo: Thursday 19<sup>th</sup> August 2018;
- Hebden Bridge Times: Thursday 19<sup>th</sup> September 2018;
- Todmorden News: Thursday 19<sup>th</sup> September 2018;

The text of the notice was as follows:

#### **CALDERDALE LOCAL PLAN AND COMMUNITY INFRASTRUCTURE LEVY EXTENSION OF REPRESENTATION PERIOD**

Due to difficulties experienced by the Council's web-site the representation period for both the Calderdale Local Plan and CIL has been extended. These problems have limited the availability of the site and the opportunities for inspecting the on-line version of the Local Plan, its evidence and CIL and the making of on-line representations.

**The representation periods will now close at  
12.00 noon on Monday 1st October 2018.**

The Council apologises for the difficulties caused which have affected the whole site

Tweets from the Council's Communications Division over the weekend of 29<sup>th</sup> /30<sup>th</sup> September stated that the representation period would close at 5.00pm on Monday 1<sup>st</sup> October.

As a result the consultation was kept open until 5.00pm on that day.

**Calderdale Community Infrastructure Levy –  
DRAFT CHARGING SCHEDULE 2018**

The following document is the full Calderdale Community Infrastructure Draft Charging Schedule (2018)



**COMMUNITY INFRASTRUCTURE LEVY  
DRAFT CHARGING SCHEDULE**

Agree by Calderdale Council: 21 June 2018

Under the Planning Act 2008 and  
Community Infrastructure Levy Regulations 2010 (as amended)

If you have any comments on the Draft Charging Schedule including associated evidence base and other documents please comment through the consultation portal on the Councils web site.

[www.calderdale.objective.co.uk/portal/planning\\_services](http://www.calderdale.objective.co.uk/portal/planning_services)

Or write to the following address by **5.00pm Monday 24<sup>th</sup> September 2018.**

Calderdale Council: Economy and Environment  
Planning & Highways  
Spatial Planning Team  
Westgate House  
Halifax  
HX1 1PS

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*Calderdale Council is a charging authority for the purposes of Part 11 Section 206 of the Planning Act 2008 and may therefore charge the Community Infrastructure Levy in respect of development in the Calderdale District.*

## **i. STATEMENT OF STATUTORY COMPLIANCE**

*The CIL Draft Charging Schedule has been approved and published in accordance with the Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013, 2014, 2015 and 2018) and Part 11 of the Planning Act 2008 (as amended by Part 6 of the Localism Act 2011). In setting the levy rates, Calderdale Council considers it has struck an appropriate balance between;*

- a) the desirability of funding from CIL in whole or in part the actual and estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding, and*
- b) the potential effects, taken as a whole, of the imposition of CIL on the economic viability of development across the Calderdale District.*

A full statement of Statutory Compliance will be included within the Draft Charging Schedule, which is submitted for Examination.

## **1.0 INTRODUCTION**

- 1.1 This document is the consultation paper on the Draft Charging Schedule (DCS) for the Calderdale Community Infrastructure Levy (CIL). As well as the proposed Charging Schedule itself, this document provides a brief background to the charging schedule and explains general principles of the CIL and its links to Section 106 and Section 278 Agreements.
- 1.2 The Charging Schedule will not form part of the statutory development/ Local Plan but is being worked up and tested alongside that document.

### **The CIL in Calderdale**

- 1.3 The CIL is a tariff system that local authorities can choose to charge on new developments in their area by setting a Charging Schedule. The CIL is a charge levied on new buildings and extensions to buildings according to their floor area. In this way money is raised from developments to help the Council pay for infrastructure such as schools, public transport improvements, greenspace, highways, and other facilities to ensure sustainable growth. It can only be spent on infrastructure needs as a result of new growth and will be a mandatory charge. The CIL will replace the Section 106 'tariff' approaches which have been used for this purpose. S106s will continue to be used for affordable housing and anything required for the specific development site to make it acceptable in planning terms so long as they satisfy the three tests introduced through R122(2) of the CIL Regulations 2010. The three tests for planning obligations include:
- Are they necessary to make the development acceptable in planning terms;
  - Are they directly related to the development; and
  - Are they fairly and reasonably related in scale and kind to the development.
- 1.4 The CIL should not be set at such a level that it risks the delivery of the development plan, and has to be based on viability evidence.
- 1.5 The purpose of this document is to set out the CIL Draft Charging Schedule for Calderdale Council. It has been prepared in accordance with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 as amended by the Community Infrastructure Levy (Amendment) Regulations 2011, 2012, 2013, 2014, 2015 and 2018.
- 1.6 The CIL will help to deliver the Calderdale Local Plan (and Site Allocations Plan once adopted) by bringing in funding for infrastructure to support new growth. It is set at rates which are considered will not deter the development and growth as set out in the Local Plan, or impact on affordable housing provision. The rates have been set taking into account the cumulative effect of all the planning policies set out within the new Local Plan and other national regulatory requirements.

## **Who will pay the CIL and how will it be collected?**

- 1.7 The levy's charges will become due from the date that a chargeable development is commenced. The definition of commencement of development for the levy's purposes is the same as that used in planning legislation (see Regulation 7 and Section 56(4) of the Town and Country Planning Act 1990), unless planning permission has been granted after commencement. When planning permission is granted, the Council will issue a liability notice setting out the amount of the levy that will be due for payment when the development is commenced, the payment procedure and the possible consequences of not following this procedure.
- 1.8 The owner of the land is liable to pay the CIL, unless another party claims liability, (i.e. a prospective developer / purchaser). This is in keeping with the principle that those who benefit financially when planning permission is given should share some of that gain with the community. That benefit is transferred when the land is sold with planning permission, which also runs with the land. However, liability to pay the levy can also default to the landowners where the collecting authority has been unable to recover the levy from the party that assumed liability for the levy, despite making all reasonable efforts. The CIL can also be paid to the Council 'in kind' through the transfer of land or the provision of infrastructure.

## **What will the CIL be spent on and where?**

- 1.9 The levy can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities (for further details, see [section 216\(2\) of the Planning Act 2008](#), and [Regulation 59](#), as amended by the [2012](#) and [2013](#) Regulations). This definition allows the levy to be used to fund a very broad range of facilities such as play areas, parks and green spaces, cultural and sports facilities, academies and free schools, district heating schemes and police stations and other community safety facilities.
- 1.10 The Regulations specify that CIL cannot be spent on affordable housing, and must only be spent on infrastructure required as a result of new growth. It should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development.
- 1.11 The levy can also be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support new development.
- 1.12 The Draft Charging Schedule is primarily concerned with the rates the CIL is to be set at, rather than the Council's mechanisms for allocating the CIL revenue and the specific infrastructure items which it will contribute towards. The Government's 'CIL Guidance' sets out the need to consider the relationship of the CIL alongside the ongoing use of S106 agreements. The Council has to publish on its website a list of

those projects or types of infrastructure that it intends to fund through the levy, called the Regulation 123 List. S106 requirements will only relate to those matters that are directly related to a specific site (so long as they satisfy the three tests introduced through R122 (2) of the CIL Regulations 2010) and are not set out in the Reg123 List. Annex 1 contains further discussion of the links between S106s and the CIL and the Reg123 List.

- 1.13 In prioritising the spending of the CIL, the Council will need to balance neighbourhood funding with funding of strategic infrastructure. There will need to be close working with communities through neighbourhood planning, the Site Allocations Plan, and other mechanisms to determine local infrastructure priorities. The Regulations specify that there is a duty to pass on (as a minimum) a 'meaningful proportion' of the funds raised through the levy to a parish or town council for the area where the development that gave rise to the payment takes place. This aims to ensure that where a neighbourhood accepts new development, it receives money for infrastructure to help it manage those impacts, and the local community has control over identifying their infrastructure priorities.
- 1.14 The meaningful proportion for neighbourhoods that have an adopted neighbourhood plan or neighbourhood development order (including a community right to build order) is 25% of the CIL revenue from that area. Areas without a neighbourhood plan will receive 15% of the revenue, and this will be capped at £100 per existing council tax dwelling per year in that area. The meaningful proportion is not tied to the Reg123 List but can be spent on:
- (a) "The provision, improvement, replacement, operation or maintenance of infrastructure; or,
  - (b) Anything else that is concerned with addressing the demands that development places on an area" (Regulation 59C).
- 1.15 Where development crosses more than one parish council's boundary, each council will receive a proportionate amount of the levy payment based on how much development is located within their area. Where there is no town or parish council the Council has to spend it in the local area in consultation with the community.
- 1.16 There is a clear link to the emerging Site Allocations Plan, which will set out the infrastructure requirements in relation to newly proposed sites, and will be subject to various stages of formal public consultation. It is also assumed that neighbourhood plans (and other community led and locally identified plans and proposals) will set out the community's priorities for infrastructure needs and spending. Spending by the Council will also require identification of infrastructure priorities which will be informed by the Council's Infrastructure Delivery Plan and the capital spending programme, which in turn is informed by the delivery and spending plans of many other agencies and infrastructure providers.

## **2.0 EVIDENCE FOR THE DRAFT CHARGING SCHEDULE**

2.1 The development of the Draft Charging Schedule has been informed by a range of evidence. All the evidence base documents can be downloaded from the Councils website.

2.2 Published alongside the Preliminary Draft Charging Schedule (PDCS) were the following:

- Calderdale Infrastructure Delivery Plan (IDP) – Autumn 2012;
- Review of the Infrastructure Delivery Plan – September 2013 – undertaken by Fore Consulting;
- Calderdale Local Plan and CIL Viability Assessment – October 2013 – undertaken by Bilfinger GVA;
- Draft Regulation 123 List (2013).

2.3 New documents to support the Draft Charging Schedule are as follows:

- Council Responses to Representations on the Preliminary Draft Charging Schedule;
- Draft Calderdale Infrastructure Delivery Plan – 2018;
- Local Plan and Preferred Sites for Allocation Viability Assessment (January 2018). Updated Draft Regulation 123 List (2018);

### **a) The Infrastructure Delivery Plan and Identifying the Funding Gap**

2.4 The Council published its Infrastructure Delivery Plan (IDP) in the Autumn of 2012 to support the submission of the Core Strategy for Examination. The IDP identifies the Districts social, physical and green infrastructure needs. It was put together in partnership with external infrastructure providers, and focuses on the infrastructure needed to support the new development planned through the Core Strategy.

2.5 To demonstrate a CIL funding gap as required by the Regulations, the IDP was reviewed by Fore Consulting to identify whether the CIL was an appropriate tool for plugging any gaps, with projects removed where full funding was already identified, or where the item was not within the Regulations' definition for CIL spending (i.e. to meet new growth).

2.6 The review of the IDP identified a justifiable aggregate funding 'gap' (of around £260 million), and the elements of infrastructure that would be appropriate to be considered for funding through CIL (mainly local transport and education). However, it is not expected that CIL will fund the entire gap, instead it is anticipated that CIL will contribute towards the funding deficit alongside other funding streams.

2.7 This provides the best available information at the present time on the funding gap for the infrastructure needed to support planned development in the District, and for



which CIL is a suitable mechanism for contributing to filling that gap. However, as part of the New Local Plan preparation the current IDP is being updated to reflect the additional infrastructure programmes that utilities and other stakeholders have prepared and the implications of potential growth across Calderdale's communities. Infrastructure in all its forms from sewerage and utilities, community facilities and sports pitches, to transport, health and education facilities and other interventions will be reflected in the revised IDP as it is developed.

## **b) Economic Viability Evidence**

- 2.8 Consultants Bilfinger GVA (BGVA) were appointed to undertake the necessary work to assess the viability of introducing CIL in Calderdale and to produce a Preliminary Draft Charging Schedule (PDCS) in accordance with the requirements of the CIL Regulations. BGVA in discussion with the Council agreed the various assumptions and inputs to be used in the Study. They tested a range of uses across the District using a residual appraisals methodology of hypothetical sites based on appropriate sample sizes and typologies. This took into account the Council's policy requirements (including those in the then emerging Core Strategy). The methodology was in line with Government CIL Guidance, the Harman Report (Viability Testing Local Plans) (2012), and Royal Institute of Chartered Surveyors Guidance on Financial Viability in Planning (2012).
- 2.9 The previous study concluded that there was scope to introduce a CIL in Calderdale and the CIL rates contained in the PDCS (available on the Council's website) reflect the findings of the previous viability evidence.
- 2.10 However, following the publication of the PDCS the Council elected to withdraw the Core Strategy and progress towards the adoption of a New Local Plan. The Calderdale Local Plan will be the new development plan for the Borough. A copy of the initial draft Local Plan and supporting evidence base is available on the Council's web site.
- 2.11 GVA was commissioned to update the previous viability evidence to consider the policies set out within the New Local Plan. In addition, rather than relying on hypothetical development scenarios for housing and employment uses the updated assessment is based on the draft housing and employment allocations with the Calderdale Local Plan Initial Draft (July 2017). The assessment does, however, still rely on some hypothetical development scenarios with respect to other land uses.
- 2.12 The Local Plan and Preferred Sites for Allocation Viability Assessment (January 2018) provides the most recent evidence on viability. This is available on the Council's website. The CIL rates as proposed in the PDCS have been amended (where appropriate) to reflect the findings set out within this assessment. A summary of the main changes are shown in the table below.

## Charges in the Preliminary Draft Charging Schedule : 2015

Area	Use	PDCS – Proposed Rate	DCS – Proposed Rate	
			Greenfield	Brownfield
Zone 1	Residential - Houses	£85.00psm	£85psm	£85psm
Zone 2	Residential - Houses	£25.00psm	£25psm	Zero
Zone 3	Residential - Houses	£25.00psm	£10psm	Zero
Zone 4	Residential - Houses	£85.00psm	£85psm	Zero
Zone 5	Residential - Houses	£5.00psm	£5psm	Zero
Zone 6	Residential - Houses	£85.00psm	£85psm	Zero
Zone 7	Residential - Houses	-	Zero	Zero
Zone 8	Residential - Houses	£40.00psm	£40psm	Zero
Zone 9	Residential - Houses	£5.00psm	£5psm	Zero
All	Retail – Convenience > 500sq.m	£45.00psm	£45psm	£45psm
All	Retail Warehousing	£100.00psm	£100.00psm	£100.00psm
All	Hotels	£60.00psm	£60.00psm	£60.00psm
All	Residential Institutions / Care Homes (Use Class C2)	£60.00psm	£60.00psm	£60.00psm
All	All other Chargeable Uses	£5.00psm	£5.00psm	£5.00psm

Note 1: The Regulations permit different charges for different types of development. A distinction was made between houses and flats / apartments, in the PDCS, recognising the challenging viability considerations associated with these types of development. Within the PDCS it was assumed that flats / apartments would be picked up by the 'All other Chargeable Uses' charge. This distinction has been carried forward into the DCS.

Note 2: Within the DCS a further distinction has been made between Greenfield and Brownfield residential sites recognising the challenges associated with bringing forward these sites for development.

Note 3: Zone 7: in the PDCS it was assumed that most of the development in the Halifax Town Centre and Skircoat Zone would be flatted development on brownfield sites. It was assumed within the PDCS that these types of development have viability issues and as a result they would be picked up by the 'All other chargeable uses' charge. The DCS makes a specific distinction for Zone 7 and does not assume that development will be picked up by the 'All other Chargeable Uses' charge.

### **c) Finding the Appropriate Balance**

- 2.13 This is a matter of judgement for the Council, bearing in mind the aims to both gain sufficient funding to make a contribution towards the infrastructure needed to support growth and thereby contribute positively towards the delivery of the Local Plan, but to not set the rates so high that they could threaten the viability of growth and development as a whole.
- 2.14 The impact on affordable housing also needs to be considered, as once adopted the CIL will not be negotiable, whereas affordable housing will remain negotiable and therefore there will be pressure to reduce provision where schemes are not viable. The CIL rates proposed have been established having taken into account the cumulative impact of policies set out within the Calderdale Local Plan Initial Draft (July 2017), including Policy HS6 (Affordable Housing). Therefore, the CIL will help to deliver the Local Plan by bringing in infrastructure funding without impacting on the affordable housing policy which is a key strand of the development plan and meeting housing needs in the District.

## THE DRAFT CHARGING SCHEDULE

- 3.1 The CIL will be charged on the net additional floor area (gross internal area), i.e. after the area of any demolished buildings has been deducted. It will be levied in pounds per square metre.
- 3.2 CIL will be applied on the chargeable floor space of all new development apart from that exempt under the Community Infrastructure Levy Regulations 2010 (as amended) and specifically Part 2 and Part 6. These exemptions from the CIL rates are:
- a) Where the gross internal area of a new buildings or extensions to buildings will be less than 100 square metres (other than where the development will comprise one or more dwellings);
  - b) Houses, flats, residential annexes and residential extensions which are built by 'self builders' where an exemption has been applied for and obtained, and, in regard to a self build home or a residential annex, a Commencement (of development) Notice served prior to the commencement of the development (see [Regulations 42A, 42B, 54A, 54B and 67\(1A\), inserted by the 2014 Regulations](#));
  - c) A building into which people do not normally go (see Regulation 6 (2));
  - d) A building into which people go only intermittently for the purpose of maintaining or inspecting fixed plant or machinery (see Regulation 6 (2));
  - e) A building for which planning permission was granted for a limited period;
  - f) Charitable development that meets the relief criteria set out in [Regulations 43 to 48](#) and where an exemption has been obtained, and a Commencement (of development) Notice served, prior to the commencement of the development;
  - g) Social housing that meets the relief criteria set out in [Regulation 49](#) or [49A](#) (as amended by the 2014 Regulations) and where an exemption has been obtained, and a Commencement (of development) Notice served, prior to the commencement of the development;
  - h) Vacant buildings brought back into the same use (see Regulation 40 as amended by the 2014 regulations);
  - i) Structures which are not buildings, such as pylons and wind turbines
  - j) Floorspace resulting from change of use development where part of the building has been in continuous lawful use for at least six months in the three years prior to the development being permitted;
  - k) Mezzanine floors inserted into an existing building, unless they form part of a wider planning permission that seeks to provide other works as well; and
  - l) Specified types of development which are identified as being subject to a 'zero' rate and specified as such in the Charging Schedule.
- 3.3 The Council has chosen to adopt an Instalments Policy, which allows developers to pay their CIL charges in phased stages. This is set out in Annex 2.
- 3.4 The Council has also chosen to adopt an Exceptional Circumstances Policy, whereby developers can request through a viability appraisal for some or all of the CIL charge to be waived. It is set out in Annex 3 and has very narrow criteria and only available where the relief would not constitute State Aid.

- 3.5 The map on the following page shows the residential charging zones. They can also be downloaded separately, along with all the evidence base documents, from the Councils web site.
- 3.6 The CIL payments are index linked from the date of adoption to the national all-in tender price index by the Building Cost Information Service of the Royal Institute of Chartered Surveyors. The figure for a given year is the figure for 1<sup>st</sup> November of the preceding year.
- 3.7 The amount to be charged for each development will be calculated in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended).

## **PROPOSED CIL CHARGEABLE RATES :THE DRAFT CHARGING SCHEDULE 2018**

Area	Type of development in Calderdale	CIL Charge per square meter	
		Greenfield	Brownfield
Zone 1	Residential – Houses	£85psm	£85psm
Zone 2	Residential – Houses	£25psm	Zero
Zone 3	Residential – Houses	£10psm	Zero
Zone 4	Residential – Houses	£85psm	Zero
Zone 5	Residential – Houses	£5psm	Zero
Zone 6	Residential – Houses	£85psm	Zero
Zone 7	Residential – Houses	Zero	Zero
Zone 8	Residential – Houses	£40psm	Zero
Zone 9	Residential – Houses	£5psm	Zero
All	Retail – Convenience > 500sq.m*	£45psm	£45psm
All	Retail warehousing	£100.00psm	£100.00psm
All	Hotels	£60.00psm	£60.00psm
All	Residential Institutions / Care Homes (Use Class C2)	£60.00psm	£60.00psm
All	All Other Chargeable Uses **	£5.00psm	£5.00psm

### \*Retail – Convenience :

Large format foodstores that sell a full range of grocery items and are shopping destinations mainly used for a person's main weekly food shop, although generally they also contain a smaller range of comparison goods. These are often termed "supermarkets". Supermarkets normally have their own large dedicated car park.

### **\*\* All Other Chargeable Uses**

*This will include apartments/flats in all areas.*

## **Calculation of Chargeable Amount**

### **Extract from the Community Infrastructure Levy (Amendment) Regulations 2014.**

#### ***Regulation 40***

- (1) The collecting authority must calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with this regulation.*
- (2) The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.*
- (3) But where that amount is less than £50 the chargeable amount is deemed to be zero.*
- (4) The relevant rates are the rates, taken from the relevant charging schedules, at which CIL is chargeable in respect of the chargeable development.*
- (5) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula:*

$$\frac{R \times A \times I_p}{I_c}$$

Where -

- *A = the deemed net area chargeable at rate R, calculated in accordance with paragraph (7);*
- *I<sub>p</sub> = the index figure for the year in which planning permission was granted; and*
- *I<sub>c</sub> = the index figure for the year in which the charging schedule containing rate R took effect.*

- (6) In this regulation the index figure for a given year is—*
  - (a) the figure for 1st November for the preceding year in the national All-in Tender Price Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors; or*
  - (b) if the All-in Tender Price Index ceases to be published, the figure for 1st November for the preceding year in the retail prices index.*
- (7) The value of A must be calculated by applying the following formula—*

$$G_R - K_R - \frac{(G_R \times E)}{G}$$

Where -

- *G = the gross internal area of the chargeable development;*
- *G<sub>R</sub> = the gross internal area of the part of the chargeable development chargeable at rate R;*
- *K<sub>R</sub> = the aggregate of the gross internal areas of the following—*
  - (i) retained parts of in-use buildings, and*
  - (ii) for other relevant buildings, retained parts where the intended use following completion of the chargeable development is a use that is able to be carried on lawfully and permanently without further planning permission in that part on the day before planning permission first permits the chargeable development;*
- *E = the aggregate of the following—*
  - (i) the gross internal areas of parts of in-use buildings that are to be demolished before completion of the chargeable development, and*

(ii) for the second and subsequent phases of a phased planning permission, the value  $E_x$  (as determined under paragraph (8)), unless  $E_x$  is negative, provided that no part of any building may be taken into account under both of paragraphs (i) and (ii) above.

(8) The value  $E_x$  must be calculated by applying the following formula—

$$E_P - (G_P - K_{PR})$$

Where -

- $E_P$  = the value of  $E$  for the previously commenced phase of the planning permission;
- $G_P$  = the value of  $G$  for the previously commenced phase of the planning permission; and
- $K_{PR}$  = the total of the values of  $K_R$  for the previously commenced phase of the planning permission.

(9) Where a collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish that a relevant building is an in-use building, it may deem it not to be an in-use building.

(10) Where a collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish—

- (a) whether part of a building falls within a description in the definitions of  $K_R$  and  $E$  in paragraph (7); or
- (b) the gross internal area of any part of a building falling within such a description, it may deem the gross internal area of the part in question to be zero.

(11) In this regulation—

“building” does not include—

- (i) a building into which people do not normally go,
- (ii) a building into which people go only intermittently for the purpose of maintaining or inspecting machinery, or
- (iii) a building for which planning permission was granted for a limited period;

“in-use building” means a building which—

- (i) is a relevant building, and
- (ii) contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development;

“new build” means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings;

“relevant building” means a building which is situated on the relevant land on the day planning permission first permits the chargeable development;

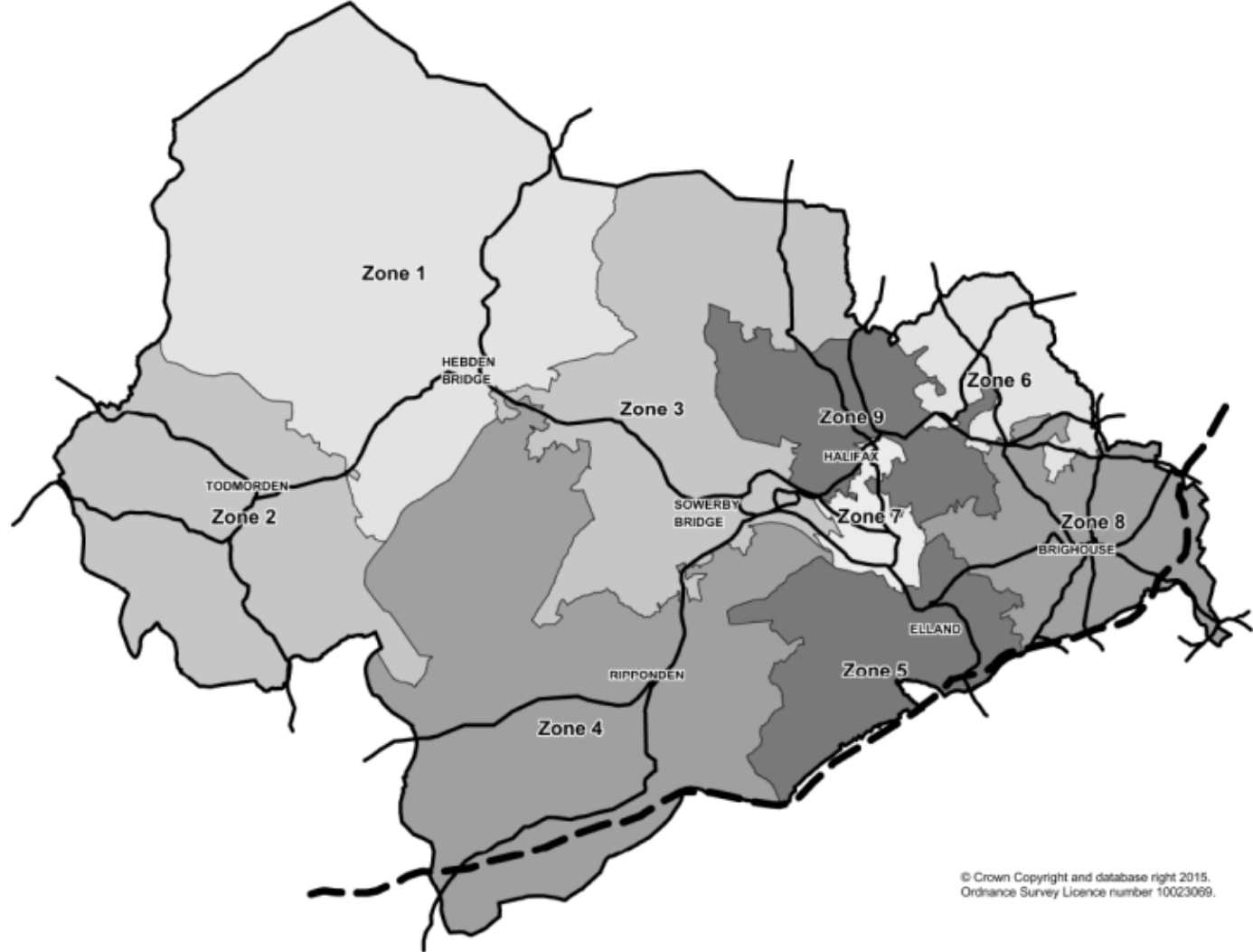
“relevant charging schedules” means the charging schedules which are in effect—

- (i) at the time planning permission first permits the chargeable development, and
- (ii) in the area in which the chargeable development will be situated;

“retained part” means part of a building which will be—

- (i) on the relevant land on completion of the chargeable development (excluding new build),
- (ii) part of the chargeable development on completion, and
- (iii) chargeable at rate  $R$ .

**RESIDENTIAL CHARGING ZONES**





## **ANNEX 1 – RELATIONSHIP BETWEEN THE CIL AND SECTION 106 AGREEMENTS**

In April 2015 the Regulations scaled back the limit and the use of S106s. The Government's intention is to break the link between the development of a specific site and its contribution to infrastructure provision. This is because the levy is intended to provide strategic infrastructure to support the development of an area rather than to make individual planning applications acceptable.

Therefore any infrastructure which is directly required to make development acceptable in planning terms will continue to be sought through S106 so long as they satisfy the three tests introduced through R122(2) of the CIL Regulations 2010. The three tests for planning obligations include:

- Are they necessary to make the development acceptable in planning terms
- Are they directly related to the development; and
- Are they fairly and reasonably related in scale and kind to the development

Regulation 123 provides for the Council to set out a list of those projects or types of infrastructure that it intends to fund through the levy. In order to ensure that individual developments are not charged for the same infrastructure items through both S106s and the CIL, a S106 contribution cannot then be made towards an infrastructure item already on the List. The Council will publish its Reg123 List on its website and the Draft Reg123 List is provided as part of the consultation on the Draft Charging Schedule. S106s can still be used to fund a specific item of infrastructure, but there is a limit of five separate obligations which can be pooled for this purpose, as it is intended that the CIL becomes the main mechanism for pooled contributions.

The Council is able to update the Reg123 List, however any changes must be justified and subject to appropriate local consultation. It is proposed to make any changes annually as a result of monitoring in the Authority Monitoring Report. The Reg123 List does not identify priorities for spending within it, or any apportionment of the CIL funds across the District, and does not mean that the Council must pay the CIL towards all the items listed as this will also depend on the amount collected. There are various options available to the Council in deciding such matters, and this is a separate workstream to the adoption of the CIL Charging Schedule.

Larger scale developments typically have larger and more concentrated impacts on the local community and infrastructure network. Under the CIL regime, there will still therefore be a need for provision of infrastructure on-site as part of the determination of a planning application. For instance, education infrastructure is an integral component of balanced sustainable communities. New housing creates a need for more school places, and these may in some instances be accommodated across the existing school network through payments from the CIL for extensions. Where a scheme in itself creates such a level of need for school places that it cannot be easily accommodated elsewhere, it follows that the site should provide the land for a school on site. On large scale major sites therefore it is likely to be necessary to provide schools directly on site to meet the needs of the development, or it may be appropriate to locate the school on a nearby site where the

school will meet the needs of a number of medium to large scale developments. In such cases an appropriate S106 contribution will be secured. If necessary the Council will ensure that these schools will not be funded through CIL receipts, that the obligations meet the statutory tests and that no more than five separate planning obligations will be secured for the same school.

Where CIL and S106 payments are both required viability may be taken into account through the exceptional circumstances policy (as set out in Annex 3).

Contributions for highway works that are secured through section 278 of the Highways Act are not subject to the pooling restriction.

### **Payments-in-kind**

In accordance with Regulation 73 and 73A of the CIL Regulations (as amended) the Council may accept one or more infrastructure / and or land payments in satisfaction of the whole or part of the CIL due in respect of a chargeable development. This will be subject to the following conditions:

1. The Council must be satisfied that the transfer of land and / or provision of infrastructure is appropriate to support the delivery of the Local Plan and development in the District. It is at the Councils' discretion whether to accept the transfer of land or infrastructure in lieu of CIL.
2. The land is acquired by the Council as the charging authority or a person nominated by the Council.
3. The Councils' Regulation 123 list sets out the range of infrastructure to be funded in whole or in part by CIL. The Council may consider accepting infrastructure projects and / or types of infrastructure from this list to discharge part or all of a levy liability.
4. The Council may consider accepting an infrastructure payment relating to infrastructure to be provided outside the District if it will be used to support the development of the plan area.
5. The chargeable development must not have commenced before a written agreement with the Council to pay part or all of the CIL amount as land / and or infrastructure has been made. This written agreement must be prepared in accordance with the criteria set out in Regulation 73 and 73A of the CIL Regulations (as amended).
6. The person transferring the land and / or providing infrastructure to the Council as payment must have assumed liability to pay CIL and completed the relevant CIL forms.
7. Where CIL is paid by way of a land payment and / or infrastructure the amount of CIL paid is the amount equal to the value of the acquired land and / or infrastructure.
8. The land and / or infrastructure to be acquired must be valued by a suitably qualified and experienced independent person to be agreed with the Council. The valuation of land must represent the price that the land might reasonably be expected to obtain if sold on the open market on the day the valuation takes place and reflect the relevant purposes for which the land will be utilised. The valuation of infrastructure provided must reflect the cost of providing the infrastructure on the day the valuation takes place.
9. The land, subject to transfer, must be free from any interest in land and any encumbrance to the land, buildings or structures. (This may require the owner to

demonstrate that the land is suitable through the submission of further information to the Council, including but not limited to topographical information, reports on contamination and archaeology and details of any underground services.)

10. The land, and or infrastructure subject to transfer must be fit for a relevant purpose being the land and or infrastructure appropriate to support the delivery of the Local Plan and development in the District.
11. The Council may transfer the land, at nil cost to a third party for the provision of infrastructure (this will be limited to other infrastructure providers).

## ANNEX 2 – INSTALMENTS POLICY

The responsibility to pay the levy is with the landowner on which the proposed developed is to be situated. The Regulations define the landowner as a person who owns a 'material interest' in the relevant land to be developed.

This draft Instalments Policy is made in line with Regulations 69B and 70 of the Community Infrastructure Levy Regulations 2010 (as amended) and is as follows:

- a) This Instalments Policy takes effect on *xxx date [to be updated on adoption of the CIL]*.
- b) *This instalments Policy may be altered by Calderdale Council following a period of monitoring and is included within the Charging Schedule for information but is not a part of it.*
- c) The CIL instalment policy calculates payment days from commencement of development on site. The Commencement date will be taken to be the date advised by the developer in the commencement notice under CIL Regulation 67.

### Payment of instalments are as follows:

≤ £9,999	Due in full within 2 calendar months of commencement
£10,000 to £59,999	Due in 2 equal instalments within: 3 months of commencement 6 months of commencement
£60,000 to £99,999	Due in 3 equal instalments within: 3 months of commencement 6 months of commencement 9 months of commencement
£100,000 to £499,999	Due in 4 equal instalments within: 3 months of commencement 6 months of commencement 12 months of commencement 18 months of commencement
≥ £500,000	Due in 4 equal instalments within: 3 months of commencement 6 months of commencement

	12 months of commencement
	24 months of commencement

Where the amount of the levy payable is >£500,000 Calderdale Council may consider an in-kind payment of land or infrastructure. Land that is to be paid in kind may contain existing buildings and structures and must be valued by an independent valuer who will ascertain its 'open market value', which will determine how much liability the in-kind payment will off-set. Payments in kind must be entered into and agreed before commencement of development. Land or infrastructure provided in kind must be provided to the same timescales as cash payments dependant on their value.

### **ANNEX 3 – EXCEPTIONAL CIRCUMSTANCES POLICY**

Regulations 55 to 58 allow charging authorities to set discretionary relief for exceptional circumstances. Use of an exceptional circumstances policy enables the charging authority to avoid rendering sites with specific and exceptional cost burdens unviable should exceptional circumstances arise. It is a mechanism to enable growth and deliver development where CIL and S106 conflict.

Calderdale Council intends to have an Exceptions Policy for exceptional circumstances. The Exceptions Policy is included within the Charging Schedule for information but is separate to it and may be altered/revoked following monitoring.

The Council will have to comply with notification requirements and publish a statement confirming that relief for exceptional circumstances is available in Calderdale from a specified date. The process would then be that a landowner would have to submit a claim in accordance with the Regulations. The Council may grant relief from liability to pay CIL if (a) it appears to the Council that there are exceptional circumstances which justify doing so; and (b) the Council considers it expedient to do so. The Regulations specify the requirements that must be met in making this assessment, and these are set out below:-

Reg 55(3) A charging authority may grant relief for exceptional circumstances if –

- (a) It has made relief for exceptional circumstances available in its area;
- (b) A planning obligation under S106 of TCPA 1990 has been entered into in respect of the planning permission which permits the chargeable development; and
- (c) The charging authority-
  - (i) Considers that the cost of complying with the planning obligation is greater than the amount of CIL being charged;
  - (ii) Considers that to require payment of the CIL charged by it in respect of the chargeable development would have an unacceptable impact on the economic viability of the chargeable development, and
  - (iii) Is satisfied that to grant relief would not constitute a State aid which is required to be notified to and approved by the European Commission.

The person claiming relief must be an owner of a material interest in the relevant land. A claim for relief must be submitted in writing and be received before commencement of the chargeable development. It must be accompanied by an assessment carried out by an independent person of the cost of complying with the planning obligation, the economic viability of the chargeable development, an explanation of why payment of the chargeable amount would have an unacceptable impact on the economic viability of that development, an apportionment assessment (if there is more than one material interest in the relevant land), and a declaration that the claimant has sent a copy of the completed claim form to the owners of the other material interests in the relevant land (if any).

For the purposes of the above paragraph an independent person is a person who is appointed by the claimant with the agreement of the charging authority and has appropriate qualifications and experience.

A chargeable development ceases to be eligible for relief for exceptional circumstances if before the chargeable development is commenced there is a disqualifying event. This is where the development is granted charitable or social housing relief, is disposed of, or has not been commenced within 12 month.

#### **4.0 HOW TO COMMENT ON THE CIL DRAFT CHARGING SCHEDULE**

- 4.1 If you have any comments on the Calderdale Draft Charging Schedule please provide them in writing by **5.00pm on Monday 24<sup>th</sup> September 2018. Comments received after this deadline will not be accepted.**
- 4.2 **All comments will be made publicly available and cannot be kept confidential. You can read the Privacy notice relating to the CIL at the end of the document.**
- 4.3 You can use one of the following methods:
- thought the Consultation portal: where on-line comments are facilitated ;
  - using the Form provided and returning the completed form to the address indicated below:
- OR
- write directly indicating your comments to the following address:
- Calderdale Council  
Regeneration and Strategy  
Local Plan Team  
Westgate House  
Halifax  
HX1 1PS
- 4.4 **You should also include in your representation whether you wish to be heard by the examiner at the inquiry.** If you do not make this request within the time period then the Regulations do not permit you to speak at the Examination.
- 4.5 The relevant documents and associated evidence base are published on the Council's website
- 4.6 The Draft Charging Schedule is intended to be submitted for Examination by the end of 2018 with the independent examination taking place shortly afterwards alongside the Examination of the Calderdale Local Plan. The Examiner can approve or reject the Schedule, or suggest modifications which the Council must make if it wishes to adopt the Schedule. The CIL Charging Schedule has to be approved for adoption by resolution of Full Council.
- 4.7 Applicants with pending planning applications need to be aware of this timetable in determining their approach.

## **Things to Consider**

To help you frame your comments please note that your response needs to be supported with actual evidence and examples, otherwise it may be difficult for the Examiner to assess your comments.

When commenting on the proposed rates set out in this DCS, questions you may wish to consider include:

1. Do you consider that the Council has demonstrated the need for an ability to charge CIL?
2. Do you consider that the Council has presented appropriate evidence for determining the level of CIL that would be viable across the Borough and if not, why not?
3. Do you consider that the rates proposed represent an appropriate balance between the desirability of funding infrastructure and the need to maintain the overall viability of growth / development across the Borough?
4. Do you consider that it is appropriate for different rates and charging zones for the development types proposed to be applied?
5. Do you consider that the boundaries between the different zones are appropriate?
6. Do you consider that the draft instalments policy is appropriate?
7. Do you consider that the Council should adopt the exceptional circumstances policy as it is expressed?

## **Privacy Notice**

### **Preparation of Community Infrastructure Levy (CIL) in Calderdale**

#### **How we use your information**

Calderdale Council is registered with the Information Commissioners Office (ICO) under the provisions of the Data Protection Act 1998. The Council takes its responsibilities under the Act very seriously.

The information provided by you including your name, contact details and comments is recorded electronically on our system to maintain up to date records and are collected purely for the purposes of the work required relating to the Council's responsibilities in respect of the introduction of Community Infrastructure Levy (CIL) under the provisions of the Planning Acts, and the subsequent Examination of the draft CIL Charging Schedule.

We need to collect this information in order to maintain accurate records to ensure that you can be properly involved in the introduction of CIL including being invited to attend the Examination of the Draft Charging Schedule. Completion of this form/sharing your information with us constitutes explicit consent from you for us to process your data for this purpose.

This information will be kept permanently or until such time as the data is reviewed/amended by us at your request or removed at your request.

As part of our statutory functions we will share data with the person appointed to hold the Planning Inspectorate and the person appointed to hold the Examination into the Charging Schedule.

You may withdraw this consent at any time by writing to the Development Strategy Manager at [spatial.planning@calderdale.gov.uk](mailto:spatial.planning@calderdale.gov.uk), but by doing so you will withdraw from the CIL process and not be eligible to make representations at the Examination.

You have the right to see what information is held about you, to have inaccurate information corrected, to have information removed from our system unless we are required by law or a statutory purpose to keep it and the right to complain to the Data Protection Officer if you feel that your data has not been handled in accordance with the law.

The Council's Data Protection Officer is Tracie Robinson and can be contacted at [information\\_management@calderdale.gov.uk](mailto:information_management@calderdale.gov.uk)



## CALDERDALE CIL Draft Charging Schedule 2018 - comments made

COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
CIL-3	Mr Tony Perryman	Chair  Clifton Village Neighbourhood Forum	<p>I question the economic viability of charging only £40 per square meter for zone 8. I am concerned that this figure is too low for the required infrastructure to support the increase in development. This will be particularly so in and around the enterprise zone and Thornhills. This proposed figure does not take into account the additional development taking place in Kirklees that will filter consequently, through Brighouse and will increase strain on Junction 25 M62. Highways England have already asked Calderdale to think again about their proposals so they are evidently not happy.</p> <p>It isn't necessarily the case that High CIL rates will make developments unviable, this will not be the outcome where schemes are large, high-value and that have a projected high revenue per square metre. Where CIL tariffs threaten to kill a project is at the lower-to-middle end of the spectrum. Smaller developments in areas where the tariff has been set at a high rate would have to be sure of a minimum sales revenue in order to make their scheme viable. If the predicted profit margin is already modest there will be a lot less wriggle room for the</p>		Yes	As chair of the Clifton Neighbourhood Forum

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			<p>developer once the CIL cost has been considered. This may convince the developer that it's not worth proceeding. The garden suburbs will be large high value projects for the developers. The question is why is the CIL rate so low It isn't necessarily the case that High CIL rates will make developments unviable, this will not be the outcome where schemes are large, high-value and that have a projected high revenue per square metre. Where CIL tariffs threaten to kill a project is at the lower-to-middle end of the spectrum. Smaller developments in areas where the tariff has been set at a high rate would have to be sure of a minimum sales revenue in order to make their scheme viable. If the predicted profit margin is already modest there will be a lot less wriggle room for the</p> <p>developer once the CIL cost has been considered. This may convince the developer that it's not worth proceeding. The garden suburbs will be large high value projects for the developers. The question is why is the CIL rate so low It isn't necessarily the case that High CIL rates will make developments unviable, this will not be the outcome where schemes are large, high-value and that have a projected high revenue per square metre. Where CIL tariffs threaten to kill a project is at the lower-to-middle end of the spectrum. Smaller developments in areas where the tariff has been set at a high rate would have to be sure of a minimum sales revenue in order to make their scheme viable. If the predicted profit margin is already modest there will be a lot less wriggle room for the</p>			

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CIL-4	Mr James Copeland	National Farmers Union	Whilst section 3.2 of the draft charging schedule identifies buildings that are exempt from CIL, it is unclear if agricultural buildings (e.g. those used for housing livestock, plants, crops or feedstocks) will be viewed. Other charging schedules have had a zero (0) rate for such buildings. We therefore request a zero (0) rate is included, should agricultural buildings fall out of the exemption. Can the Inspector clarify this as part of their outcome of the Examination.		Yes	Should agriculture fail to be part of section 3.2, we are calling for a zero rate to be added to table 2.1.
CIL -9	Mr Simon Tucker	Area Planner Canal & River Trust	<p>The Canal &amp; River Trust is a charity entrusted with the care of the Aire &amp; Calder Navigation and Rochdale Canal, which run through the borough. These historic, natural and cultural assets form part of the strategic and local green infrastructure network, linking urban and rural communities as well as habitats. Our waterways also provide walking and cycling routes that connect communities along the Calder Valley.</p> <p>With 97% of land adjacent to our waterways outside of the Trust's control, our waterways are vulnerable to the impact of third party developments. We are keen to encourage wider use of the waterways for recreation and sustainable active travel. However, there are instances</p>		No	

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			<p>where new waterside developments can place significant additional liabilities and burdens upon the canal infrastructure where, for example, the existing towpath surfacing or access points become unsuitable for the resulting increase in or type of use. As noted in paragraph 10.11 of the draft Infrastructure Delivery Plan (March 2018), the Trust believes that off-site contributions from canal-side developments may be required in order to mitigate against these risks.</p> <p>This can have significant implications for the Trust in terms of increased management and maintenance and it therefore endeavours to ensure, through the planning process, that any direct impact arising from a proposed development is appropriately mitigated. This can, where appropriate and in accordance with the necessary tests prescribed in the CIL Regulations 2010, take the form of a request for improvements to the towpath to be secured from the developer by means of a s.106 agreement.</p> <p>The Trust does not propose to comment on the draft charging rates or charging zones, but would make the following specific comments in respect of the Draft Regulation 123 List (table 3.2).</p> <p>The draft Infrastructure Delivery Plan (March 2018) identifies that 'Green Infrastructure Improvements' and 'Pedestrian and Cycle Networks' are included within the</p>			



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			<p>Draft Regulation 123 List. Please note that the inland waterway network is a form of Green Infrastructure, and provides pedestrian and cycles routes along its towpaths.</p> <p>We understand that any infrastructure included on an adopted Regulation 123 list cannot be funded through s.106 Improvements. To date, s.106 agreements have been important as a tool for seeking the mitigation of impacts of development on our waterway network.</p> <p>Clearly, both 'Green Infrastructure' and 'Pedestrian and Cycle Networks' cover a wide range of infrastructure, and as such it is likely that only certain specific projects will benefit from CIL funding.</p> <p>Having regard to this context, we are concerned that our waterway infrastructure, including the Calder &amp; Hebble Navigation and the Rochdale Canal, are subsumed within a very broad type of infrastructure provision (i.e. Green Infrastructure and/or Pedestrian and Cycle Networks) on the Draft Regulation 123 List.</p> <p><b>Therefore, we consider that there is a need to more precisely define Green Infrastructure and Walking and Cycling projects on the Regulation 123 List</b>, to prevent a situation occurring in which specific types of improvements to our network, required to mitigate site-specific pressures from development, cannot be funded</p>			

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			through s.106 agreements, yet would also be unlikely to be funded through broad CIL based contributions. We also advise that the document could be made more precise if specific reference in Column 2 of the Regulation 123 list is made to the fact that site-specific improvement measures not identified in column 1 can be secured potentially via section 106 and section 278 orders.			
CIL-11	Mrs Sarah Tindal		It is unclear why Brighouse has been allocated at zone 8, with a lower CIL, when the vast majority of development planned for in the Local Development Plan for Calderdale will be in this area. With this in mind the infrastructure projects required to make this development deliverable will be significant: schools, roads and highways, open space and flood risk mitigation and so will require a higher CIL than that allocated.		No	
CIL-13	Margaret & John Newton		<p><b><u>CIL</u></b></p> <p>Calderdale Council in my opinion have unfairly encouraged the development of 2000 houses in the Thornhills/Clifton area adjacent to Clifton by charging a lower levy CIL of only £40 per square meter in comparison to say £85 in the Hebden Bridge area of the borough.</p> <p>There is also a question of whether the money generated by this levy will be used exclusively for the benefit of the local area affected or simply be used to bolster the coffers of the whole borough ?</p>		No	

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CII-15	Anthony M Brook		Why has the Council reduced the CIL for the Brighouse area, the major infrastructure work that will be required to enable the developments, whilst reducing air pollution generated by standing traffic in the Wakefield road area and prevent total gridlock of the town will use the full £85.00 and a lot more. Unless Junction 24a off the M62 occurs then a third River and Canal crossing will be required as a direct link from J25 of the M62 into the bottom of the Woodhouse Development eventually linking with Huddersfield Rd near the M62.		Yes	Because it appears that Calderdale Council are turning a blind eye to the existing traffic issues in and around Brighouse and the air pollution that the standing traffic cause.
CII-16	Anthony M Brook		<p>1. Yes the Council has demonstrated the need to Charge CIL.</p> <p>2. No the Council have not presented the appropriate evidence to determine the proposed level of CIL's to be charges.</p> <p>3. No the proposed levels are totally inadequate to fund the infrastructure developments that will be required to reduce pollution and allow reasonable flows of traffic throughout the day.</p> <p>4. No the proposed CIL's charges do not reflect the prime sites in the Brighouse area and underestimate the required infrastructure up grades. It would appear that the Council have got the charges back to front with prime</p>		Yes	On reading these documents the Council appears to be completely out of touch with reality in the Brighouse area and the struggle that the towns people have with the inadequate level of infrastructure investment which has failed to materialise over

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			<p>sites having a lower CIL levied.</p> <p>5. No the lack of clear information relating to necessary infrastructure up-grades make it impossible to clearly define any boundaries and how the sites will be landscaped to mitigate noise pollution and air pollution in the Woodhouse area.</p> <p>6. At this stage no because the suggested CIL amount in the Brighouse area is totally inadequate.</p> <p>7. No the Council have failed to address in any detail the supporting infrastructure that is required as a minimum in many of the areas and have not clearly explored the use of Brown Field sites within Calderdale.</p>			many years.
CIL-19	Av Singh		<ul style="list-style-type: none"> <li>In my view Zone 8 CIL Charge of £40 is set low to entice developers &amp; encourage building in Zone 8 rather than other zones that may be more suitable with greater space to take housing eg Zone 1.</li> <li>If CIL is primarily in place to deliver the IDP, then surely the figure should be similar to Zone 1 due to the size, please don't say economies of scale allow the charge to be set lower. From the document 'Item 8 CIL Draft Charging Schedule.PDF' - <i>"An update of the IDP has been undertaken during 2018 and reaffirms the gap in infrastructure funding, upon which CIL is</i></li> </ul>		Yes	The people in Zone 8 need to be represented and not have plans & policies steamrollered through!

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			<p><i>predicated</i>" is confirmation that the CIL for all zones should be more in line with Zone 1, in order to deliver working, and more importantly, fit for purpose &amp; futureproofed infrastructure.</p> <ul style="list-style-type: none"> <li>If IDP is funded by CIL, and much of the infrastructure is required BEFORE the development begins and the CIL charge collected, how do reconcile this that appears to be a paradox?</li> </ul>			
CIL-21	Mr Henryk Peterson		Para 3.2a should apply a higher exemption threshold for the application of CIL. This would ensure it does not stifle small scale house building, sites for which the Council depends on coming forward through its estimated windfall allowance. Exempting self build schemes is not sufficient		Yes	To examine the draft charing schedule and desirability of applying it to small scale schemes.
CIL-29	Mrs Julie Bullen		<p>I object to the CIL proposals. The CIL should have a positive economic effect on development across the local authority.</p> <p><b>Why is there a differential rate in the levy across the authority?</b> It appears the levy has been set deliberately low on the garden suburbs at £40psm to subsidise developers at the expense of schools, flooding, congestion, air quality and other facilities. Yet in other</p>		Yes	To put further points/ information to the inspector

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			<p>areas it is set at £85psm.</p> <p>How will the funds from the garden suburbs be used? There should be a neighbourhood infrastructure fund to ensure that the funds generated are not just used in other parts of the authority.</p> <p>The garden suburbs and high level of development proposed will have a significant impact on the well being of residents in the South East. Levy generated should be used to mitigate these as far as possible. How will this be protected?</p> <p><b>Modification</b></p> <p>The CIL needs to be further investigated to ensure the South East gains proportionate recompense for the damage that will be caused.</p>			
CIL-24	Miss Gillian Sowerby		<p>The CIL has obviously been used to encourage developers to build in Brighouse and Clifton</p> <p>It is unfair for Clifton to take such a large percentage of the new development and grossly disproportionate</p>		No	
CIL-26	Mrs		1. Yes - I believe that the Council has demonstrated that		No	

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	Doreen Lever		<p>there is a need to charge CIL</p> <p>2. No - I don't think that the council have produced enough evidence to show how the levels of CIL have been determined</p> <p>3. No - I feel that the levels are far too low for the amount of infrastructure/roads/schools/water supply/sewerage/doctors/dentists etc that will be needed for the numbers of houses proposed</p> <p>4. No - the way the charges have been assessed for the Zones is totally at odds with the amount of infrastructure that will be needed in each area, especially in Zone 8, where the number of houses is out of all proportion to the allocations for the rest of Calderdale.</p> <p>5. No - no information available as to what is going to be either upgraded or newly built or how any new/upgraded roads are going to help with the problem of air pollution</p> <p>6. No - not enough CIL to be charged in some zones, Brighouse especially, to cover the huge amount of infrastructure needed</p> <p>7. No - there is no information/detail as to what shape or form the infrastructure needed to support all the new builds will take.</p>			

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CII-30	Ms Samantha Roberts		<p>1.13 states that funds raised through levy should go to a parish or town council. 1.15 states that if no parish or town council is in existence then the council should spend the money in consultation with the community. Many communities do not have a parish or town council and as such I do not believe that the council will be able to liaise effectively with communities as there are too many small groups with interests. It is also extremely difficult for small community groups to navigate the complexity of funding especially for large scale infrastructure issues.</p> <p>Without a mandate for the community groups means that the communities without a formal governance will not receive any benefit. The council should recognise a single community group (that overarches all other groups and balances the entire communities needs not just a small section of the community); such as Residents Associations, in each area without lower level governance and formally consult with them about the spending of CIL.</p>		No	
CII-32	Ms Tina Townsend-Greaves		<p>With regard to the Community Infrastructure Levy (CIL) why has Brighouse a levy of only £40 when it is important that the levy has a positive economic effect on development across a local plan area?</p> <p>Why have the Council decided to adopt an approach of using differential rates (in Hebden Bridge for example the rate is £85). How did the Council decide to set these</p>			



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			<p>differential rates, and did they undertake sampling to help them to estimate the boundaries for these differential rates? If this is the case, how did they decide on £40 per square metre for Brighouse? How this levy is calculated is an important point for the Public Inspector to consider.</p> <p>The Council needs to provide answers these questions as CIL is non-negotiable, so no CIL, no planning permission. Therefore any developer assessing viability has to prioritise CIL above any variable or negotiable costs. This means how this figure is set will have a profound effect upon the viability of the scheme. Given all the issues concerning infrastructure for Brighouse, has the Levy been deliberately set at an artificially low rate to encourage the developers, at the expense of roads, flooding and other facilities? The Council have to show that they has been robust in their approach to the calculation of the levy and to do this, the total cost of infrastructure it wishes to fund has to be shown.</p> <p>Furthermore, CIL can be used to fund infrastructure anywhere in an authority, so will the Council use this money in other parts of the Authority or to develop the infrastructure needed for the Employment Zone?</p> <p>The Plan proposes major developments where infrastructure is entirely lacking and unplanned / not committed, without any clear or up to date Infrastructure</p>			

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			<p>Delivery Plan. This has not changed from the original draft. How is the Council going to improve traffic congestion? The suggested 'ghost traffic island' proposed for the Clifton Common / Industrial Park junction is incompatible with the width of the road at the proposed site, and would compromise traffic using the junction with Cockwalk Farm Lane.</p> <p>A new junction for the M62 (24a) is shown in the local plan. It is suggested that funding will come from Highways England, working in partnership with CMBC and KMBC. There is no proposed date for completion (in fact, case, demand, risks and costs don't seem to have yet to be established) and given Highways England have said they will not fund this junction, how long will it take and how does the Council propose to get this funding? In the plan, provision of this junction is seen as critical to alleviating congestion in Brighouse and therefore to the plan.</p>			
CIL-34	Mr Ian Smith	Historic England	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.			
CIL-36	Mr Keith		The CIL for the Brighouse area has been set at £40psm which is under half of that set for other areas within Calderdale. It would seem this relatively low level has			

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	Melton		<p>been set as an incentive to potential developers without giving due regard to to the major infrastucture requirements which will be needed to support the development of the Garden Villages and other sites in the Brighouse area.</p> <p>In line with the housing development programme there will be a need for completely new water, electric, gas, telecommunication/internet services. Additionally, there will be a requirement for new roads within the villages themselves and also the relief road, which will be a major piece of construction work. It is considered unlikely that the relief road will solve all the traffic congestion problems which will inevitably arise with the additional volume of traffic generated by the new homes, in which case monies will be a requirement to introduce new traffic management systems and possibly the construction of new roads or alterations to those existing. Also, new flood prevention systems may be required.</p> <p>In the Clifton Garden Village plan it is proposed that there will be 2 new schools and provision will also have to be made for new medical services and leisure facilities.</p> <p>On top of all this, if the Council is at all concerned about the health of the residents in the Brighouse area, measures will be required to counter the poor air quality currently existing and make provision to prevent any</p>			

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			<p>increases caused by the additional levels of traffic congestion which will inevitably arise.</p> <p>In view of the above, it is considered the CIL level should be raised substantially if the traffic management, air quality, flooding risks etc, all as mentioned above are to be properly addressed. It would be of interest to know how the Council arrived at the figure of £40psm.</p>			
CII-38	Mr Kelvin Lawton		<p>Why is Calderdale Council setting a levy of only £40 per square metre for the proposed development in the Thornhills Garden Suburb? The required infrastructure for what is promised to be a unique and environmentally enhancing development surely requires a greater levy, such as the amounts specified in other parts of Calderdale eg Hebden Bridge at approximately £85 per square metre.</p> <p>Surely this cannot be an enticement for developers to make easier money from this development. If not, why?</p> <p>Surely if our lives are to be blighted by a mass development then, at the very least, we should have a state of the art, well constructed, "model" Garden Suburb which would be attractive to live in, funded partly from this levy?</p> <p>Whu have local politicians been quiet on this matter?</p>		No	

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CIL-40	Ms Eileen Smith		See Attachment	5072104		
CIL-42	Mr Nigel Riach		CIL Draft Charging Schedule. The large Garden Suburbs developments at Clifton and Woodhouse will require extensive infrastructure provision, whereas smaller sites elsewhere will, for the most part, be accommodated by existing provision, such as doctors, schools etc. The charges for the Garden Suburbs should there be greater than elsewhere. The plan charges are the opposite of this, with Hebden Bridge charged £85 and Clifton £40.			
CIL-47	Mr Jason Carlton		<p><b>Ax C - Exceptional Circumstances Policy.</b></p> <p>The concept of an Exceptional Circumstance Policy, to ensure unforeseen circumstances do not prevent site delivery, is to be applauded.</p> <p>I am concerned that the Exceptional Circumstances Policy guidelines are not sufficiently defined, and certainly not restrictive in practice, as to minimise the risk of policy breach through human error or vague interpretation of the policy 'spirit'.</p> <p>I believe this policy should be amended so it can <b>only</b> be used to exempt CIL (or Section 106 Agreements) where a site is rendered financially unviable and undeliverable <b>due</b></p>		Yes	The Exceptional Circumstances Policy is vague and, because it is not sufficiently defined, it may be open to individual interpretation. I welcome the opportunity to participate in the oral examination to explore how the policy could be shaped, to ensure the potential for

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			<p>to <b>exceptional circumstances</b> AND these <u>demonstrable</u> <b>exceptional circumstance</b> could not have been known at the time of site allocation in the Local Plan.</p> <p>Exemptions should not be used to support Local Plan allocated sites where:</p> <ul style="list-style-type: none"> <li>the delivery costs were under-estimated by the promoter, land-owner, Council or developer,</li> <li>a developer made a commercial decision to tender a low bid</li> <li>an exemption would provide a discount/subsidy to a developer to encourage development.</li> </ul> <p>As part of good and accountable governance, prior to making a decision the Council should publish information on exemption applications:</p> <ul style="list-style-type: none"> <li>to ensure independent scrutiny must reported openly by the Council and <b>not</b> subject to redaction or closed sessions</li> <li>clearly demonstrating the exceptional issue (and why the issue could not have been foreseen)</li> <li>reported annual showing the CIL charges collected and the value of exceptional circumstance policy waivers.</li> </ul> <p>In the spirit of good, transparent and open governance,</p>			misinterpretation or abuse is minimised.

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			Exceptional Circumstances Policy waivers should not be agreed under delegated authority, but subject to open and democratic approval by Cabinet in open session.			
CIL-48	Mr Jason Carlton		<b>Table 3.1- Proposed CIL chargeable rates</b>  'All residential Institutions/Care Homes (Use Class C2)'  Typo error?  360 psm, should this read £60 psm?		No	
CIL-45	Mr Jacob Boothroyd		What is the Council's rationale for setting the levy so low in Thornhills, Clifton (LP1463)? Was fine-grained sampling undertaken to estimate the boundaries? Has an incentive been provided to encourage developers to build in this area?		No	
CIL-50	councillor colin peel		The CIL charges for new greenbelt development are too low.  Green belt development requires the most new infrastructure building.  New roads and changes to existing roads are not cheap.  Schools will need to be expanded and new ones built.		Yes	As councillor for Brighouse, representing 8200+ people, I need to represent their views at the examination.

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			<p>The CIL rates in table 3.1 are distorted and perverse.</p> <p>For instance, Zone 8 is the Brighouse area, a place getting an enormous amount of greenbelt development, but has a low rate. Yet the CIL on green belt development is lower than Zone 1, the area around Hebden Bridge, where there is very little greenbelt development possible due to the nature of landscape. Zone 6, the area around Northowram and Shelf, again an area with a large greenbelt development has a higher rate than Brighouse. Why?</p> <p>This does not make sense. There is a built-in bias to support house builders to build on greenbelt in and around Brighouse. This is sending the wrong message to developers.</p> <p>Also, why is the brownfield rate for zone 1 so high? This is a disincentive for developers to build on brownfield sites, which is wrong.</p> <p>No discussions have been held by councillors and officers at any stage regarding CIL and its pricing.</p> <p>This document is half baked and needs political scrutiny at committee level before proceeding with its implementation.</p> <p>Please have it withdrawn.</p>			



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CIL-53	Mr John Barraclough		<p><b>Community Infrastructure Levy</b></p> <p>It is widely recognised that if the two “Garden Suburbs” planned for Brighouse were to go ahead, this would place an intolerable burden on existing and already inadequate infrastructure. Against this backdrop, one has to question why CMBC has elected to set the CIL at £40.00/m<sup>2</sup>, in stark contrast to other areas in Calderdale where the charge is more than twice this figure. Given that nationally greenbelt development land typically attracts a CIL of £65.00/m<sup>2</sup>, this appears not only profoundly unfair but a calculated attempt on the part of the council to encourage developers to focus house building in the lower valley.</p> <p>No doubt the council would argue that given the shear size of the planned developments this would generate a proportionally larger cash injection into local authority coffers. This would undoubtedly be the case, but without any apparent requirement or indeed commitment on the part of the council for these funds to be invested solely on infrastructure projects in Brighouse. I have no wish to appear unduly cynical, but on past performance it’s difficult not to conclude that this will again be the case.</p>			
CIL-56	Emma Lancaster	Strata Homes & Clugston Group Ltd Quod Ltd	Please refer to attached Representations.	5097706	Yes	Please refer to attached Representations.

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CIL-58	Mr John Lever		The Community Infrastructure Levy is inexplicably £20 lower than other areas in Calderdale. Has this been calculated and considered fully? There is no evidence to explain this reduced rate. Will the money generated by the CIL sustain the infrastructure needed to sustain a disproportionate increase in housing and traffic? Will it enable the construction of efficient roads, waste management, flood defence? Will it enable the provision of the extra schools and health centres that will be needed? Shops and services?	5101229		
CIL-6	Mrs Ann Fielden		I do <b>not</b> approve of people being charged more for building houses that are not deemed 'affordable'. If there is to be a levy it should be on all property, not just on larger more expensive property. We need wealthy business people to be encouraged to live in Todmorden to create business and jobs. We have plenty of affordable housing.		No	
CIL-60	Yorkshire Housing	Yorkshir Mr Mark Johnson e Housing	Johnson Mowat represent developers and landowners with land interests in Housing Market Area Zone 8 (Brighouse, Rastrick, Clifton, Southowram, Hipperholme). We have no comments in relation to the proposed CIL rate of £40 psm on greenfield sites.  We do however question the £85 psm CIL rate in Zones 1, 4 and 6 which seems high. We question the viability of		No	

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			£85psm, given the housing markets in Calderdale. The £85 psm is comparable in price per square meter to Leeds District higher market Zone 1 (@ £90psm) whereas the housing market areas in Zones 1, 4 and 6 in Calderdale, which include Hebden Bridge, Charlestown, Ripponden, Shelf and Northowram are not as desirable and are not in the same value of comparable Zone 1 in the Leeds district, which lies in the Golden Triangle.			
CIL-20	Mr Tony Perryman	Chair  Clifton Village Neighbourhood Forum	<p>I question the economic viability of charging only £40 per square meter for zone 8. I am concerned that this figure is to low for the required infrastructure to support the increase in development. This will be particularly so in and around the enterprise zone and Thornhills. This proposed figure does not take into account the additional development taking place in Kirklees that will filter consequently, through Brighouse and will the increase strain on Junction 25 M62. Highways England have already asked Calderdale to think again about their proposals so they are evidently not happy. The rate I believe should be higher to cater for the increase in population and the consequent strain on infrastructure that this will entail.</p> <p>It isn't necessarily the case that High CIL rates will make developments unviable, this will not be the outcome where schemes are large, high-value and that have a projected high revenue per square metre, which is the case with the Garden Suburbs. Where CIL tariffs threaten</p>		Yes	I believe that the people of Brighouse need to be represented effectively and this proposal to set a CIL is inadequate for the needs of our town.

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			<p>to kill a project is at the lower-to-middle end of the spectrum. Smaller developments in areas where the tariff has been set at a high rate would have to be sure of a minimum sales revenue in order to make their scheme viable. If the predicted profit margin is already modest there will be a lot less wriggle room for the developer once the CIL cost has been considered. This may convince the developer that it's not worth proceeding. The garden suburbs will be large high value projects for the developers. The question is why is the CIL rate so low. At this level it would seem like an incentive for the Developer to build, rather than meeting the infrastructure need of Zone 8. Consequently, the people of Calderdale will end up paying for a proportion for the much needed infrastructure.</p> <p>I believe that Calderdale have underestimated the impact of all the development in their area and Kirklees. There is likely to be a reduction in air quality, because of the increase in vehicles and congestion as a result of the development. There is strong evidence that poor air quality increase morbidity, which means an increase in the need for medical services. There will be an increase in the amount of traffic on the M62, which will have direct negative impact upon the air quality in Brighouse, which is already above acceptable levels. I can not see in any of the Councils plans how they will be able to sufficiently improve air quality to mitigate the issues they have</p>			

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			<p>identified with air quality, unless there is significant investment in roads. The very reason for having a CIL that meets the needs of the community.</p> <p>The increase in population will require more schools and also probably accommodation for the elderly. I do not see in the local plan how this will be tackled unless the CIL is increased to adequate levels. Moreover, the building on greenbelt will increase flooding risk because the land will not absorb water in the same way. Brighouse has already been flooded in the past, so will there be added funds to cater for this added risk, with this level of CIL. It is interesting to note that Hebden Bridge attracts £85 per square meter, which gives full recognition to the issues in that area, why hasn't the same consideration been given to the people of Brighouse. I believe the CIL is too low for Brighouse and should be increased to facilitate the development of an infrastructure that is fit for purpose.</p>			
CIL-5	Mr James Copeland	National Farmers Union	<p>Whilst section 3.2 of the draft charging schedule identifies buildings that are exempt from CIL, it is unclear if agricultural buildings (e.g. those used for housing livestock, plants, crops or feedstocks) fall within point c and/or d. Can the Inspector clarify this as part of their outcome of the Examination.</p> <p>Exempt buildings in other plans include "Dwellings tied to an assured agricultural occupancy;" (e.g. Harrogate</p>		Yes	We wish to object to section 3.2 as it stands, and request "Dwellings tied to an assured agricultural occupancy" is included.

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			<a href="#">section 3.1 of their CIL: Preliminary Draft Charging Schedule</a> ). We wish to raise an Objection and request that Dwellings tied to an assured agricultural occupancy is included as resolution at the Examination for inclusion with section 3.2.			
CIL-7	Mrs Judi Taylor		<p>Where is the rationale for charging a much lower CLI for Brighouse - specifically the Thornhills and Woodhouse Garden suburbs - than the majority of the rest of Calderdale?</p> <p>Given the significant impact of these 2 developments, growing the overall housing stock of Brighouse by over 30% thus exacerbating issues already present with transport and air quality in particular, I cannot see that such a low CIL is justified. The council needs to explain its' rationale. It also needs to explain how the CIL is going to fund the new schools which will be required, transport improvements - rail, road and bus -, improvements in air quality, additional NHS facilities, development of green spaces and other recreational facilities.</p>		No	
CIL-10	Mrs Jennifer Rowlands		<p>Why is calderdale only charging half the amount of levy for the CLIFTON garden suburb than it could charge? Surely the amount of infrastructure needed to build such a large development requires more money not less?</p>		No	
CIL-12	Mr		I do not understand the inconsistency in the rate of CIL being proposed for potential housing development areas		Yes	I believe it is questionable that

COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
	Timothy Davis		<p>across the Borough. Many of the issues faced are common across the Borough and will require sufficient infrastructure development in order to cope with them. One particular example is the need to develop flood defences and the risks to flooding are acknowledged by the Council in its publication draft Local Plan at paragraph 2.5 as applying to many towns in the Borough. One such town is Hebden Bridge which is in a zone where the proposed CIL is £85 per square metre yet, for example, in relation to the proposed garden suburb at Thornhills the draft CIL sets out a rate of only £40 per square metre. This despite the fact that such a development would place considerable increased risks to flooding in the town of Brighouse given the topography of that area.</p> <p>The inconsistency in proposed CIL rates seems at odds with the clear need to ensure adequate funds are raised for infrastructure development across the Borough if more houses are to be built. Myself and many others have commented on the publication draft of the Local Plan to the effect that there are concerns that the Council has laid out grandiose proposals for large scale housing developments without making adequate plans for infrastructure development in definitive terms. Taking again as the example of the proposed garden suburb at Thornhills, this would result in almost 2,000 new houses being built in a short period of time with a resulting potentially further 4,000 cars attempting to use local</p>			adequate funds are being raised through the proposed rates of CIL and am very concerned that as a result the plans for infrastructure development in Brighouse and Clifton in particular are wholly inadequate.

COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
			<p>roads through Clifton - yet the Council has not brought forwards any plans to deal with that likelihood in terms of the development of the local road infrastructure.</p> <p>Local residents need to be assured that there will be sufficient infrastructure developments of all types but currently it seems difficult to see how they can have such confidence when arguably low CIL rates are being proposed for areas of large housing development. The Council should be required to review the proposed CIL rates but also to define exactly where in the Borough the funds raised will be spent and on what types of infrastructure.</p>			
CIL-14	Mrs Carol French Deol		Why is the proposed CIL for Brighouse/Rastrick so much lower than elsewhere in Calderdale? I am specifically concerned about the Garden Suburb proposals and the significant infrastructure improvements which would be needed to sustain such large developments and influx of traffic, in addition to the increased need for schools, health services, utilities, recreation areas etc. If the CIL is set low, how will the necessary infrastructure be provided and where is the justification for such a low level?		Yes	I wish to hear the council's explanation for the differential CIL allocations.
CIL-14	Anthony M Brook		Why has the Council reduced the CIL for the Brighouse area, the major infrastructure work that will be required to enable the developments, whilst reducing air pollution generated by standing traffic in the Wakefield road area and prevent total gridlock of the town will use the full		Yes	Because it appears that Calderdale Council are turning a blind eye to the existing traffic



COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
			£85.00 and a lot more. Unless Junction 24a off the M62 occurs then a third River and Canal crossing will be required as a direct link from J25 of the M62 into the bottom of the Woodhouse Development eventually linking with Huddersfield Rd near the M62.			issues in and around Brighouse and the air pollution that the standing traffic cause.
CIL-8	Mr Alan Roberts		It is obvious that C.C. want to encourage developers into their 'Garden Suburbs' by leaving money on the table at the expense of other areas where development is much needed. At the same time developers will make greater profits from their build program, would one suppose that any of these dwellings will be affordable for young couples to get a foothold on the property ladder.....I think not!. The CIL has been weighted against Brighouse and should be seriously reviewed and fairness exacted.		No	
CIL-27	Mrs Julie Davis		I do not feel that the Council has found the appropriate balance nor got its judgement correct in respect of the rate of CIL for Zone 8. Why has the Council set the rate at £40 per square metre for Zone 8 which is less than half of the rate of £85 per square metre set for Zones 1,4 and 6? The Brighouse area, which comes within Zone 8, is being burdened with a staggering 40% of the whole of the housing allocation for the borough. The strain on the existing infrastructure, which is already at breaking point, is going to be huge. This would suggest to me that the amount of money that will be needed to pay for new roads, schools, doctors etc warrants a CIL rate of at least		No	

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			<p>£85. Why then the low rate? One possibility is that the Council has no real intention of investing in the infrastructure in the Brighthouse area so knows that it does not need to impose a higher rate on the developers. The Council certainly hasn't made it clear in the Plan what it intends to do to alleviate the inevitable problems on the local roads which bringing 4,000 more cars into the area will cause. Alternatively it could be that the low rate is an incentive for the developers to build in Zone 8 regardless of what the actual cost is to resolve all the infrastructure issues.</p> <p>Whatever the reason for the low rate, there clearly isn't an appropriate balance between the true cost of providing the correct level of investment in infrastructure and the actual amount which will be raised by setting the rate at £40.</p>			
CIL-22	Mr Henryk Peterson		Applying a higher tarriff on greenfileld housing development in zones 1,4 & 6 appears to have been engineered without having regard to achieving an appropriate and fair balance in raising CIL funding. There seems little justification for varying the charges based on geography at a micro level. Charging should be applied more uniformly so that it is not seen to advantage /disadvantage certain neighborhoods.		Yes	To establish how BGVA arrived at their draft tariff regime.
CIL-23	Mrs Jackie		I question why the CIL for Zone 8 is only £40.00 per sq metre, considerably less than others which are double		No	

COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
	Haley		that figure. Is this to incentivise the developers to look more favourably at this site.?? Surely given the size of the developments in Brighouse, and the proposed ambitious infrastructure plans essential to support it, the levy needs to be much higher. Again this is another display of unfairness and shows the determination of the council to push this plan through regardless of the consequences. Does the council anticipate that the infrastructure probably won't happen but by then the houses will already have been built and the levy can then be used for other areas of Calderdale, and Brighouse left to struggle with the traffic congestion.			
CIL-25	Miss Nicola Denford		<p>I understand that Community Infrastructure Levy (CIL) is a means for local authorities in England and Wales to obtain finance from developers to help deliver <u>new</u> infrastructure, facilities and services to support new homes and businesses in the area; and I also recognise that, when setting levy rates, an appropriate balance needs to be struck between raising adequate funds to support development and the potential effect on the viability of a development.</p> <p>It is clear that a “garden suburb” on over 140ha of green belt land, with the alleged capacity for up to 2,000 houses, will require <u>extensive</u> levels of infrastructure to be implemented: roads, flood risk mitigation, schools, health facilities, community facilities, parks, green space, to name</p>			

COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
			<p>but a few – all of which will be critical in supporting a development of this size, where the required infrastructure is not yet available (and not yet even planned).</p> <p>In other words, <u>maximum</u> funding will be required to implement this level of infrastructure.</p> <p>The question I would therefore ask is why has the Community Infrastructure Levy for a “garden suburb” of this enormity – i.e. Site LP1463 at Clifton - together with other sites in Brighouse and Rastrick (Zone 8), been set at £40psm, when there are higher levies being proposed for development in other areas of Calderdale, up to £85psm? It would certainly appear that setting a low levy for undeveloped green belt sites, which require the maximum amount of infrastructure and therefore the highest levels of funding, is purely an incentive to encourage developers to build in this area.</p>			
CIL-28	Mr Stephen Webster		I have to ask the question, why is the CIL for the Clifton garden suburb set at£40-00 when the rest of Calderdale is more than double this amount,ie.Hebden Bridge is £85-00. With the prospect of 2,000 houses the infrastructure required should warrent a much larger levy rather than the inducement this appears to be for the developers.		No	
CIL-26	Mr		Do you consider that the Council has demonstrated the	5066762	No	

COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
	Michael Lever		<p>need for an ability to charge CIL? - YES however -</p> <p>The evidence used by Calderdale to determine the CIL levies must be seriously questioned.</p> <p>How can they explain the rationale between the proposed CIL of £85 psm for Greenfield sites in Hebden Bridge (Zone 1) and Rippondon (Zone 4) compared to Brighouse (Zone 8) at only £40 psm?</p> <p>How is that existing Greenfield sites in Zones 1 &amp; 4 are deemed to require higher levies for far smaller developments with smaller impacts on the local environment compared to intensive "Garden Suburb" plans for Brighouse at only £40 psm and the monumental destruction of Greenfield land in and around Brighouse. The sums do not add up!</p> <p>Zone 8 - Brighouse is expected to take &gt;6000 new homes, plus allegedly new two schools.</p> <p>This requires enormous levels of <b>forward</b> investment prior to delivery of the proposed new buildings to not only adequately accommodate them but also to make the already over subscribed services of hospitals, dentists, schools, care provisions, etc work effectively for the existing demand of the Brighouse area.</p>			

COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
			<p>Please tell me how Calderdale proposes to send the children of the Garden Suburbs to school or the doctors if these facilities are not built in advance as all existing local schools and doctors are already full!</p> <p>Added to this the need for Calderdale to meet pollution control limits in key areas of concern in around Brighouse by vastly improving the road network to increase traffic flows through the town, which is currently grid locked at all peak times, besides when any incident creates additional burdens to the over stretched network.</p> <p>The proposed road schemes will be far more expensive than estimated, local finances are already stretched, Calderdale Council is certainly not cash rich! So a low CIL level of £40 psm for the estimated development of 5000-6000 homes plus business park, with all the exemptions will lead to woeful underfunding. The consequences are too dreadful to consider but I guess if you don't live and work in Brighouse, why worry about it Calderdale Councillors?</p> <p>The bottlenecks of the proposed road developments move from Brighouse centre to midway between Brighouse and Bailiff Bridge, that just looks like shifting the problem elsewhere rather than solving the issues of over development in an already highly populated area of the</p>			

COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
			<p>borough.</p> <p>The CIL proposal of £40 psm for Zone 8 to meet these demands seems massively under estimated and I urge the council to provide further evidence to support their case, and as a minimum review the level of CIL levied or better still drastically reduce the proposed Garden Suburbs for Brighouse, namely Woodhouse and Clifton Garden Village (LP1463).</p> <p>I also ask Calderdale how they intend to supply all these new homes and business with fresh drinking water and deal with the additional sewage? The supporting evidence Calderdale has provided must be seriously questioned in light of recent widely publised news items relating to severe water shortages and inability to supply future demand by 2030-2050, for example:-</p> <p>A report by the National Infrastructure Commission - Preparing for a drier future - England's water infrastructure needs, quotes:-</p> <p>"A reliable water supply is usually taken for granted, but England risks water shortages as a result of climate change, an increasing population (especially in the drier south and east) and the need to protect the environment. The water supply system is already strained and the</p>			

COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
			<p>pressure will only rise over the coming decades."</p> <p>Is there a plan to build new reservoirs? That will certainly be an huge invasion of greenbelt and destruction of habitat, will take years to approve if ever and extremely unlikely to happen.</p> <p>A BBC report on 23rd May 2018 highlighted the concerns of the Environment Agency on population growth, climate change and the ability to meet the demands of water supply in the short to medium term up to 2050! You only need to think back to this summers (2018) drought to see that additional demands on a stressed system would be chaotic. Consultation portal website will not allow multiple documents to be uploaded as evidence.</p> <p>Environment Agency report May 2018 -  .State_of_the_environment_water_resources_report</p> <p><a href="https://www.gov.uk/government/publications/state-of-the-environment">https://www.gov.uk/government/publications/state-of-the-environment</a></p> <p>Calderdale must address the funding required to meet the infrastructure demands of TODAY before they embark on the wholesale destruction of the remaining greenbelt land in and around Brighouse in this totally unbalanced, out of all reasonable proportion Local Plan.</p>			



COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
			<p>So an important question to answer is how does Calderdale Council see that the whole local plan for the borough is balanced and fair when the vast majority of the whole plan relies on Brighouse to deliver 50% of all the new homes?</p> <p>No level of CIL could justify the current proposals.</p>			
CIL-33	Mr Iain Crouch	Planner  P S Ryley & Co Ltd	The CIL contribution proposed will constitute approximately 4% of the sale price of dwellings in some areas of the District. The impact of this is that a private developer's profit will fall from 20% to 16% (approximate figures). This in combination with affordable housing targets of 25-35% may make certain Local Plan proposed housing sites uneconomic to develop within the lifetime of the Local Plan. The Draft Local Plan is therefore flawed in this respect.		No	
CIL-34	Mr Ian Smith	Historic England	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			

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			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.			
CII-37	Mrs Linda Melton		Why has the council put such a low Community Infrastructure Levy rate on the land at Thornhills, Clifton? This levy for Hebden Bridge is £85 per sq.m. which one can understand because of the problems they face with flooding. But £40 per sq.m. for Thornhills seems ridiculously low. In other parts of the country this type of land has a C.I.L. levy of £60 to £65 per sq.m. Cynics would say that the council have decided that this large development will be dumped on Clifton no matter what and just to make sure they will offer an incentive to developers by making it a cheap option.			
CII-39	Mrs Janet Lawton		<p>There is no adequate explanation as to why the CIL is being set at such a low rate in certain parts of Calderdale, compared to other areas.</p> <p>The Thornhills Garden Suburb appears to be at a level to encourage developers to make a handsome profit on their developments which will be at the presumed cost to the community in terms of money being available for the development of any necessary infrastructure. e</p> <p>Shouldn't the development of a Garden Suburb be an opportunity to crate something special and to be a model development of mixed housing in a rural setting? i fear</p>		No	

COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
			that the CIL will attract housing developers who simply wish to build as many dwellings as possible with scant regard to providing community resources.			
CII-41	Mr Anthony Pennington		Calderdale Council, led by the anti-environment Labour & Liberal Councillors have shown yet again their total disregard for the people of Clifton Brighouse & Rastrick. Their decision to charge only £40 per sqm for the CIL on Thornhill's whilst charging as much as £85 in other areas of Calderdale is a clear sign that they trying to maximise the profits of the developers by offering incentives to build In Clifton Brighouse & Rastrick. The fast majority of land in Thornhill's is greenbelt & should surely have a much higher CIL. The amount of infrastructure also needed should demand a much higher CIL but the Councils only concern seems to be the developers profits at the cost of our greenbelt land.		No	
CII-43	Mrs K Boothroyd		<p>The council have decided to adopt an approach of using different rates. How did the council decide to set these different rates?</p> <p>Why has the Council set the rate at £40 per square metre for Zone 8 which is less than half of the rate of £85 per square metre set for Zones 1, 4 and 6?</p> <p>How was the decision to arrive at £40 per square meter arrived at for Thornhills, Clifton? Similar developments across England are set at £60 - £65. Why is the rate set so</p>		No	

COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
			<p>low? What is the estimated total cost of infrastructure – who will fund this?</p> <p>Given all the issues concerning the infrastructure for Thornhills, Clifton and Brighouse why is the levy so low? Has the levy been set deliberately low to encourage developers, at the expense of transport, flooding, schools, hospitals, dentists, health and social care facilities etc?</p> <p><b>Isn't the purpose of the levy is to ensure new infrastructure is in place and not to put into existing problem areas?</b></p> <p>Will the money raised from Thornhills and Brighouse be used specifically for these areas, to develop the infrastructure? Or has the council planned to use in other parts of the LA?</p>			
CII-48	Mr Jason Carlton		<p><b>Levy payments of &gt;£500,000</b></p> <p>Where 'in-kind' payments of infrastructure are made, I believe these should be capped at 90% of the payment value, to ensure there is a financial settlement towards the ongoing cost of the infrastructure - to avoid the infrastructure presenting a financial drain on scant Council resources.</p>		Yes	CIL is an integral and fundamental part of the emerging Local Plan, and I would welcome the opportunity to clarify my comment at the public examination

COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
CIL-44	Mr D Boothroyd		The <b>Community Infrastructure Levy</b> (CIL) is to help deliver infrastructure to support the development of an area. Therefore why has the levy been set so low for LP1463 Thornhills, Clifton, where infrastructure shortfalls are immense – is the Council providing an incentive for developers to build in this area?		No	
CIL-46	Ms Amie Walton		The CIL does not make a fair representation of the green belt land value for the area and has not received any official justification from the council to back up the calculation. It is transparent that it has been significantly devalued to entice developers to the area.		No	
CIL-52	Mr Sanjit Chaggar		The Levy rate for Thornhills appears to be very low in comparison to other areas. It is important the levy has a positive economic effect on development and is used wisely on resources needed for a sound infrastructure. Has the rate been set so low to encourage developers? The plan states that the development will be a large high value project for developers, so why is the Levy rate so low? Also if the project is high value, and built on greenbelt land, the value of the houses will also be high, which are unaffordable homes to most people, and young families go on struggling to afford a place to live.			
CIL-54	Mr James		<b>Community Infrastructure Levy</b>  The Community Infrastructure Levy (CIL) at £40 for this site appears to be more attractive to developers to use			

COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
	Moore		<p>this area.</p> <p>How has the council arrived at this rate? It is particularly perplexing considering the massive amount of infrastructure required in this development. Can the council explain why Hebden Bridge has a levy of £85? How has the council arrived at this differential of rates?</p> <p>Will this CIL be ring fenced and used solely for infrastructure in this development or will it be used in other areas of the council authority? How are the council going to meet the increased demand in infrastructure for the vastly inflated population?</p> <p>As noted in the local plan:</p> <p><b><i>Charging authorities wishing to introduce the levy should propose a rate which does not put at serious risk the overall development of their area. They will need to draw on the infrastructure planning that underpins the development strategy for their area. Charging authorities will use that evidence to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the levy upon the economic viability of development across their area.</i></b></p> <p>Please explain the Community Infrastructure Levy (CIL) rate for this site.</p>			

COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
CII-57	Mr Matthew Nicholson		See attachments	5084420		
CII-61	Cllr Howard Blagbrough		<p><b>Please also see attachment.</b></p> <p>Within this consultation, we are asked about the long overdue scheme to replace the 106 monies to ensure that investment is brought into the area when a new development takes place – Community Infrastructure Levy (CIL). The Community Infrastructure Levy is very important to ensure that vital funds are raised, however the current plan in my view is not fair in terms of the difference with the amounts being collected in different areas. It is proposed development in Hebden will collect £85 whilst the Clifton area will only be receiving £40. Whilst I partly understand that some of the £85 would be used for flood defences, I am concerned that flooding concerns in the Brighouse area are not being taken into account and not enough money is being invested in the Brighouse area to prevent flooding in the future, especially as the hillside is being concreted over with the new garden village and of course the employment land next to the Holiday Inn.</p> <p>I have a concern that money raised from CIL is not ring fenced, which could mean that whilst Brighouse has all the development, the money for the necessary infrastructure may not necessarily follow.</p>	5105906	Yes	I would like to be included with further consultation and be included at any public meeting with the inspectorate and public inquiry.

COMMENT No	Full Name	Organisation Details	Comments	Supporting information	Do you wish to participate at the examination?	Oral Examination - why you consider this to be necessary:
CII-59	Mr Geoffrey Hann		<p>With regard to the Community Infrastructure Levy (CIL) why has Brighouse a levy of only £40 when it is important that the levy has a positive economic effect on development across a local plan area.</p> <p>Why have the Council decided to adopt an approach of using differential rates (in Hebden Bridge for example the rate is £85). How did the Council decide to set these differential rates, and did they undertake sampling to help them to estimate the boundaries for these differential rates? If this is the case, how did they decide on £40 per square metre for Brighouse? How this levy is calculated is an important point for the Public Inspector to consider.</p> <p>The Council needs to provide answers these questions as CIL is non-negotiable, so no CIL, no planning permission. Therefore any developer assessing viability has to prioritise CIL above any variable or negotiable costs. This means how this figure is set will have a profound effect upon the viability of the scheme. Given all the issues concerning infrastructure for Brighouse, has the Levy been deliberately set at an artificially low rate to encourage the developers, at the expense of roads, flooding and other facilities? The Council have to show that they has been robust in their approach to the calculation of the levy and to do this, the total cost of infrastructure it wishes to fund has to be shown.</p>	5101426		



<b>COMMENT No</b>	<b>Full Name</b>	<b>Organisation Details</b>	<b>Comments</b>	<b>Supporting information</b>	<b>Do you wish to participate at the examination?</b>	<b>Oral Examination - why you consider this to be necessary:</b>
			<p>Furthermore, CIL can be used to fund infrastructure anywhere in an authority, so will the Council use this money in other parts of the Authority or to develop the infrastructure needed for the Employment Zone?</p> <p>In summary, the Plan proposes major developments where infrastructure is entirely lacking and unplanned / not committed, without any clear or up to date Infrastructure Delivery Plan. This has not changed from the original draft.</p>			

# **CIL PRELIMINARY DRAFT CHARGING SCHEDULE 2015**

**CALDERDALE COUNCIL**

**COMMUNITY INFRASTRUCTURE LEVY:**

**PRELIMINARY DRAFT CHARGING SCHEDULE (PDCS)**

**Consultation November/December 2015**



### **How to comment on the Preliminary Draft Charging Schedule**

If you have any comments on the Calderdale Preliminary Draft Charging Schedule, including the associated evidence base and other documents, please comment through the Consultation Portal on the Council's web-site :

<http://www.calderdale.gov.uk/environment/planning/planning-policy/local-plan/index.html>

or write to the following address answering the questions below by 5.00pm on Friday 18<sup>th</sup> December 2015

Calderdale Council : Economy and Environment  
Planning & Highways  
Spatial Planning Team  
Westgate House  
HALIFAX  
HX1 1PS

**CALDERDALE : COMMUNITY INFRASTRUCTURE LEVY:  
PRELIMINARY DRAFT CHARGING SCHEDULE (PDCS)**

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## **1. Statement of Statutory Compliance**

- 1.1 The PDCS has been approved and published in accordance with the Community Infrastructure Levy Regulations 2010 (as amended<sup>1</sup>) and Part II of the Planning Act 2008, as amended. In setting the levy rates, Calderdale Council considers that it has struck an appropriate balance between:
- a) The desirability of funding from CIL in whole or in part the actual and estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and
  - b) The potential effects, taken as a whole, of the imposition of CIL on the economic viability of development across its area.
- 1.2 A full statement of Statutory Compliance will be included within the Draft Charging Schedule which is submitted for Examination.

## **2. Introduction**

- 2.1 This document is the consultation paper on the PDCS for the Calderdale Community Infrastructure Levy (CIL). In addition to the PDCS it also provides the background to the charging schedule and explains the general principles of CIL and its links to Section 106 and Section 278 Agreements.
- 2.1 The charging schedule will sit within the Calderdale Local Development Framework, but will not form part of the statutory development plan.

### **The CIL in Calderdale**

- 2.3 The Community Infrastructure Levy (CIL) was introduced under the Planning Act 2008 and is defined in the CIL Regulations 2010 (as amended). The CIL is a tariff system that local authorities in England and Wales can choose to charge on new developments in their area by setting a Charging Schedule. The CIL is a charge that is levied on the net additional floor space created by most new development. In this way money is raised from developments to help the Council pay for schools, roads and other facilities to ensure sustainable growth. It can only be spent on infrastructure which is needed as a result of new growth.
- 2.4 The CIL charge should not be set at such a level that it prejudices the delivery of the development plan and should also be based on viability evidence. Once approved CIL becomes a mandatory charge. From April 2015 CIL will replace the current Section 106 'tariff' approaches for education and green space contributions etc.

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<sup>1</sup> Amended by the Community Infrastructure Levy (Amendment) Regulations 2011, which came into force on 6<sup>th</sup> April, the Community Infrastructure Levy Regulations 2012, which came into force on 6<sup>th</sup> April 2012 and the Community Infrastructure Levy (Amendment) Regulations 2014.

S106 Agreements will continue to be used for affordable housing and anything required for the specific development site to make it acceptable in planning terms.

- 2.5 The purpose of this document is to set out Calderdale Council's Preliminary Draft Charging Schedule (PDCS) for the collection of CIL. Appendix 1 of this report contains the PDCS.
- 2.6 These documents will be used as the basis for formal consultation between 6<sup>th</sup> November and 18<sup>th</sup> December 2015

### **Why is CIL being introduced?**

- 2.7 There are a number of reasons why CIL is being introduced in Calderdale:
- CIL will deliver more infrastructure funding than S106 because it requires contributions from a broader range of developments;
  - CIL is certain, predictable, transparent and developers can factor this charge into their schemes at an early stage. The Government's intention is that eventually this will charge will be reflected in land values and will reduce them accordingly;
  - The approval process should be accelerated, as there will be limited negotiations around S106 matters;
  - Without a CIL, income for infrastructure will be greatly reduced as the current system for collecting contributions via S106 Agreements is scaled back from April 2015;
  - It has been subject to viability testing which shows CIL to be a relatively modest charge and that it would not impact on the overall viability of development across the Borough;
  - A meaningful proportion will be passed back to the communities in which the development took place; and
  - The spending of CIL is more flexible than under the current S106 regime.

## **3. What development will be liable to pay CIL?**

- 3.1 Most development that involves the creation of buildings that people normally use will be liable to pay CIL. However, the Regulations provide for a number of exemptions against which the levy will not be charged. These include:
1. New buildings or extensions where the gross internal area of the new buildings or extensions is less than 100 square metres (other than where the development will comprise one or more dwellings);
  2. Self-build homes<sup>2</sup>
  3. Residential extensions and annexes;

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<sup>2</sup> Defined as private individuals who typically self-finance their own projects and who build or commission the build of their home, either by working on their own or working with builders.

4. Changes of use, conversion or subdivision of a building that does not involve an increase in floor-space;
  5. Social housing<sup>3</sup>
  6. The creation of a mezzanine floor within a building;
  7. Temporary development permitted for a limited period;
  8. Buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery;
  9. Structures which are not buildings, such as pylons and wind turbines;
  10. Development by charities for charitable purposes; and
  11. If it is for a use or geographic area that has a zero or nil charge (£0/m2) set out in a CIL Charging Schedule.
- 3.2 Where planning permission is granted for a development that involves the redevelopment or demolition of a building in lawful use<sup>4</sup>, the level of CIL payable will be calculated based on the net increase in floor-space. This means that the existing floor-space contained in the building to be redeveloped or demolished will be deducted from the total floor-space of the new development, when calculating the CIL liability. This means that most developments on previously developed brownfield sites will generally have a lower CIL liability than developments that take place on greenfield sites.
- 3.3 The Council will have the ability to claw back any CIL relief where a development no longer qualifies for that relief within a period of seven years from the commencement of the development. For example, should a charity develop a building for charitable purposes and subsequently sell the building to the open market within seven years then the Council will be able to claw back the CIL that would have been charged on the building had it been used for private use.
- 3.4 The Regulations also allow charging authorities to permit discretionary relief from CIL in certain circumstances (e.g. where a reduced or nil payment may be accepted). The cases for relief are likely to be rare, but could include the following:
1. Development by charities for investment activities from which the profits will be applied for charitable purposes (as defined by Regulation 44).
  2. Development by charities where relief would normally constitute State aid (as defined in Regulation 45).
  3. Where the Council considers there are exceptional circumstances to justify relief (as defined in Regulation 55). In these situations the development site must also have a planning obligation (Section 106 Agreement) relating to the planning permission and the combined cost of the Section 106 agreement

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<sup>3</sup> Social housing relief applies to social rented housing, intermediate rent or shared ownership, affordable rent (providing the rents are at least 20% below open market levels) and discount market sale (providing they meet the defined criteria at European and national level).

<sup>4</sup> The definition of lawful use is 'a building which has been in use for a continuous period of at least six months within the 3 years prior ending on the day planning permission first permits the chargeable development.'

and CIL charge would have an unacceptable impact on the economic viability of the development. In such cases the developer would be expected to demonstrate this (as set out in Regulation 57) via an 'open book' approach with an independent valuer.

4. Relief can also only be granted if it does not constitute notifiable State aid (as defined in European law).

- 3.5 Calderdale Council intends to have an Exceptions Policy for exceptional circumstances, which will be agreed by the Council. To put in place this policy the Council will need to comply with notification requirements and publish a statement confirming that relief for exceptional circumstances is available within Calderdale from a specified date. Further information is provided at Appendix x.

#### **4. How the chargeable amount will be calculated**

- 4.1 CIL is charged on the gross internal floor-space<sup>5</sup> of new development.
- 4.2 The amount of CIL charge a development is liable to pay will be calculated according to Regulation 40 of the CIL Regulations 2010 (as amended). The method involves multiplying the relevant CIL rate for the type/location of the development by the net additional floor-space and factoring in an inflation measure to allow for changes in building costs over time. A summary of the charging methodology is set out at Appendix 1a
- 4.3 The CIL Regulations specify that where the overall chargeable amount on a scheme is less than £50, it is deemed to be zero.

#### **5. Liability and Collection of CIL**

- 5.1 The Levy applies to new development for which planning permission is granted after the Charging Schedule has taken effect, and the amount of CIL payable (the 'Chargeable Amount') is calculated on the day that development is first permitted. Where a development is to be implemented in phases each phase of development can be treated as a separate chargeable development.
- 5.2 When planning permission is granted the Council will issue a liability notice setting out the amount of the levy that will be due for payment when the development is commenced, the payment procedure and the possible consequences of not following this procedure.

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<sup>5</sup> The gross internal floor-space is the internal area of the building, and should include rooms, circulation and service space such as lifts and floor-space devoted to corridors, toilets, storage, ancillary floor-space (e.g. underground parking) etc.



5.3 The owner of the land is liable for CIL, unless another party claims liability (i.e. a prospective developer / purchaser). The liable party is required to notify the collecting authority about the start date of the development.

5.4 The Council recognise the implications that a large CIL liability required at the commencement of a development project could have on cash flows and the ability to raise finance. Therefore, the Council is exploring the option to introduce an instalments policy, which allows developers to pay their CIL charges in phased stages. A draft instalments policy is set out in Appendix 2.

## **6. Spending of the CIL levy**

6.1 The finance generated from the CIL must be used to deliver infrastructure in the Borough that is needed to support the level of housing and employment growth proposed within the Core Strategy. Infrastructure has a very wide definition and includes transport, flood defences, schools, health and social care facilities, parks and green spaces, cultural and sports facilities as well as maintenance and improvement of facilities affected by development.

6.2 It is important to note that 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 Council's Infrastructure Delivery Plan. The Council will work closely with the relevant infrastructure and service providers to discuss the funding of infrastructure projects.

6.3 The Preliminary Draft Charging Schedule is primarily concerned with the proposed CIL rates, rather than the Council's mechanisms for apportioning the CIL revenue and the specific infrastructure items which it will contribute towards.

Draft Regulation 123 Infrastructure List	
The Council is required to set out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the Community Infrastructure Levy (CIL). In order to ensure that individual developments are not charged for the same infrastructure items through both Section 106 Agreements and the CIL, a S106 contribution cannot then be made towards an infrastructure item already on the List. This Draft Regulation 123 List is provided as part of the consultation on the Preliminary Draft Charging Schedule (November 2015) and will be updated at the Draft Charging Schedule stage.	
Types of Infrastructure	Notes
Flood Risk Mitigation schemes	
Primary and Secondary education	<i>Except for large scale residential development which will be expected to provide schools either as an integral part of the development or as the result of no more than 5</i>

	<i>separate planning obligations</i>
<b>Green Infrastructure Improvements in terms of quantity and quality</b>	<i>Except for on-site public open space required to make development acceptable</i>
<b>Highway Schemes</b>	<i>Section 278 is still possible to ensure developments are acceptable in planning terms and to mitigate their immediate impacts.</i>
<b>Public transport schemes</b>	
<b>Pedestrian and cycle networks</b>	
<b>Community sports, leisure and recreation facilities</b>	
<b>Public realm improvements</b>	<i>Except for on-site provision where this is required to make development acceptable</i>
<p><i>(The above list is based on the infrastructure requirements set out in the Local Development Framework and the Council's infrastructure planning evidence).</i></p> <p>The Council will review this list at least once a year, as part of monitoring of CIL collection and spend, and any changes will be justified and subject to appropriate local consultation. The list does not identify priorities for spending within it, or any apportionment of the CIL funds across the District, and does not signify a commitment from the Council to fund the projects listed through the CIL.</p> <p>The Council will work with local communities and Parish/Town Councils to agree local priorities for spend. The 'meaningful proportion' held by local communities may be spent on items listed above but it does not have to be.</p>	

### **Neighbourhood Funds**

- 6.5 The Regulations require a meaningful proportion of the funds raised through the levy to be passed back to a parish or town council, in which the development takes place. Neighbourhoods with an adopted neighbourhood plan will receive 25% of the CIL revenue from that area (provided that the development was granted planning permission after the neighbourhood plan was adopted) to spend on local infrastructure.
- 6.6 In areas without a neighbourhood development plan in place the local council will receive 15% of CIL receipts. This will be subject to a cap on the CIL revenue which is equal to £100 per dwelling, in the area, in each financial year.

- 6.7 These locally elected councils will be directly accountable for its expenditure and reporting. Where an area does not have a town or parish council the charging authority will hold the neighbourhood fund on the area's behalf and spend the money in line with the neighbourhood's needs, which will be guided through local consultation.
- 6.8 This aims to ensure that where a neighbourhood accepts new development, it receives money for infrastructure to help it manage those impacts, and the local community has control over identifying their infrastructure priorities.
- 6.9 Where development crosses more than one parish council's boundary, each council will receive a proportionate amount of the levy payment based on how much development is located within their area.
- 6.10 The Regulations permit the charging authority to require the repayment of any neighbourhood funds that remain unspent 5 years after they were transferred to a local council. Any returned funds are placed in the pooled CIL fund to be spent on area wide infrastructure projects. The Council will need to determine its position on requiring the return of unspent neighbourhood funds.

#### **Administration**

- 6.11 The Regulations also allow up to 5% of the CIL collected each year to be used to pay for the administrative expenses incurred by the charging authority. The Council anticipates that it is likely to seek an element of reimbursement, to cover the costs associated with collection, implementation and monitoring of CIL. This will be accounted for in the Council's monitoring of the expenditure of CIL.

#### **Governance**

- 6.12 No decisions have yet been made on spending or governance mechanisms of the CIL. These mechanisms have not yet been determined as it has not been appropriate to do so until there is a greater clarity on the amount of CIL which can be charged, which locations this will generally be in, and the amounts that will be collected overall.

### **7. Relationship between CIL and Section 106**

- 7.1 After adoption of CIL or from April 2015 (whichever is sooner) the Regulations will scale back and limit the use of S106 Agreements. Regulation 123 requires the Council to set out a list of those projects or types of infrastructure that it intends to fund through the levy. In order to ensure that individual developments are not charged for the same infrastructure items through both S106 and CIL, the Council will publish the Regulation 123 list on its website. A S106 contribution cannot then be made towards an infrastructure item already on the Regulation 123 list.

- 7.2 S106 obligations can still be used to fund a specific item of infrastructure, but there is a limit of five separate obligations which can be pooled for this purpose, as it is intended that CIL becomes the main mechanism for pooled contributions.
- 7.3 Therefore, S106 will largely become restricted to any infrastructure which is directly required to make a development acceptable in planning terms.
- 7.4 The Council is currently in the process of preparing the List in order to comply with the requirements of the Guidance.
- 7.5 The Council is able to update the Regulation 123 list, however any changes must be clearly explained and subject to appropriate local consultation. Items cannot be removed from the list just to facilitate their funding through a site specific S106. Where a change to the list would have a significant impact on the viability evidence that supported examination of the charging schedule a review of the charging schedule may be required.
- 7.6 Items on the list are also not guaranteed to receive CIL funding (depending on the amount collected) as the list does not identify spending priorities.

## **8. Payment in kind**

- 8.1 Under the regulations charging authorities may, at their own discretion, consider accepting land or infrastructure as payment in kind in lieu of CIL. An agreement to make an in kind payment must be entered into before commencement of development and provided to the same timescales as cash payments. Land paid in kind may contain existing buildings and structures and must be valued by an independent valuer who will ascertain its open market value, which will determine how much liability it will off-set.
- 8.2 However, where land is required within a development to provide built infrastructure to support that specific development it will be expected that land transfer will be at no cost to the Council and will not be accepted as a CIL payment in kind.

## **9. Reporting**

- 9.1 In accordance with Regulation 62 of the Regulations (as amended), the Council will publish an annual report on the operation of the levy over each financial year. This will form part of the Council's Annual Monitoring Report and will include the following information:
- How much CIL monies have been collected;
  - How much of that money has been spent;

- Information on how CIL monies have been spent, including on which infrastructure projects, and how much has been used to cover administrative costs; and
- The amount of CIL retained at the end of the reporting year.

9.2 Parish and town councils who receive CIL monies will have a duty to report to the Council annually on how they have used their Neighbourhood Funds.

## **10. Monitoring and Review of CIL**

10.1 The Council recognises the need to closely monitor the proposed CIL charges, given that changes in the property market, construction costs and changes in local or national policy over time can impact on development viability. Following the intended adoption of the CIL Charging Schedule in 2015, the Council intends to regularly monitor and review the relevant indicators to ensure the CIL charge remains appropriate.

## **11. Next Steps**

11.1 This Preliminary Draft Charging Schedule is the subject of consultation for six weeks ending the 18<sup>th</sup> December 2016. This consultation is aimed particularly at neighbouring authorities, local community representatives, infrastructure providers and the development industry, although all interested parties are welcome to make comments.

11.2 Following completion of the consultation on the Preliminary Draft Charging Schedule the representations received will be reviewed and if required alterations made or further economic viability testing undertaken. The next stage is to then prepare and publish a Draft Charging Schedule that will be the subject of a further six week consultation

## **12. Evidence for the Preliminary Draft Charging Schedule**

12.1 The development of the PDCS has been informed by appropriate evidence which includes:

### **Calderdale Infrastructure Delivery Plan (IDP)**

12.2 In order to introduce the CIL local planning authorities, as the charging authority, have to demonstrate that there is a shortfall in funding between the expected total cost of infrastructure needed to support development over the plan period and the level of funding likely to be forthcoming from mainstream sources of funding. This is

known as the 'funding gap'. The Council's Infrastructure Delivery Plan (IDP)<sup>6</sup> identifies the key infrastructure requirements needed to support the level of planned growth set out in the Core Strategy. The IDP is intended to be a 'living' document which will continue to be updated and particularly to support the key stages of the Core Strategy and the progression of CIL.

- 12.3 For the purposes of this current stage of the CIL, Fore Consulting were commissioned, as part of the Local Plan and CIL Viability Assessment (see later) to critically review the document, and confirm that this still provides a robust evidence base for the production of CIL, particularly in terms of its identification of the critical infrastructure to support the planned growth in Calderdale.
- 12.4 The CIL guidance recognises that it is inevitable that predicting future infrastructure funding sources for the longer term contains uncertainties. For example Infrastructure requirements and costs may change over the plan period and will be updated accordingly in future revisions of the IDP or supporting CIL documentation. The critique of the IDP identified an overall funding gap of around £260 million. However, it is not expected that CIL will fund the entire gap, instead it is anticipated that CIL will contribute towards the funding deficit alongside other funding streams.
- 12.5 In preparing for CIL the Council will need to consider the information contained within the IDP and outline those items of infrastructure which it intends to finance in full or in part by CIL. This is known as the Regulation 123 List. As part of the review of the current IDP the elements of infrastructure that would be appropriate to be considered for funding through CIL (mainly local transport and education) have been considered.

#### **Calderdale Local Plan and CIL Viability Assessment**

- 12.6 Testing the economic viability of development is central to the CIL charge setting process and is required to justify the introduction of the CIL to an authority area. Authorities must ensure that the proposed levy rates will not threaten the ability to develop viably the sites and the scale of development identified in the Core Strategy. To this end the Council commissioned GVA to prepare a Local Plan and CIL Economic Viability Assessment (EVA) for the Borough.
- 12.7 The EVA has been prepared in line with Government CIL and viability of local plans guidance<sup>7</sup>, and Royal Institute of Chartered Surveyor guidance on viability in

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<sup>6</sup> The IDP is available to view online using this link;

<http://www.calderdale.gov.uk/environment/planning/planning-policy/evidence-base/infrastructure.html>

<sup>7</sup> Viability Testing Local Plans – Advice for planning practitioners

planning<sup>8</sup>. This work was completed in November 2015 and is available on the Council's website<sup>9</sup>.

- 12.8 GVA in discussion with the Council agreed the various assumptions and inputs to be used in the study. They tested a range of uses across the Borough using a residual appraisal methodology based on a range of hypothetical developments. This took into account the Council's current and potential future policy requirements, such as affordable housing, Code for Sustainable Homes and other relevant assumptions.
- 12.9 A basic principle of the CIL is that where it is economically viable to do so, development should be charged. However, the CIL is not to be used as a policy tool to encourage certain types of development over others by applying a lower or zero rate where development is viable. Differential rates can be applied to different types of development, or to different geographical areas, based on the outcome of the economic viability assessment. Where it has been demonstrated that it would not be viable to apply a CIL charge on a certain type of development, or in a particular geographic area, either a zero CIL rate or a nominal base rate can be applied.
- 12.10 The EVA concludes that there is scope to introduce a CIL in Calderdale and the proposed CIL rates contained in the PDCS reflect the findings of the viability evidence.
- 12.11 The Regulations recognise that the CIL charge may make some development unviable and advises that CIL should not be set at such a low rate as to ensure that every development remains viable. In setting the levy rates the Council has sought to strike an appropriate balance between:
- a) the desirability of funding from CIL in whole, or in part, the actual and estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and,
  - b) the potential effects, taken as a whole, of the imposition of CIL on the economic viability of development across its area.

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<sup>8</sup> RICS: Financial Viability in Planning

<sup>9</sup> CIL Economic Viability Assessment Update (2015) is available to view using this link :

<http://www.calderdale.gov.uk/environment/planning/planning-policy/evidence-base/homes/index.html>

## **APPENDIX 1:**

### **CALDERDALE COUNCIL - COMMUNITY INFRASTRUCTURE LEVY (CIL):**

#### **PRELIMINARY DRAFT CHARGING SCHEDULE**

To charge CIL Calderdale Council must produce and adopt a Charging Schedule setting out the levy rates. This document is the Calderdale Preliminary Draft Charging Schedule (PDCS) issued for consultation. There is another formal stage of consultation on the Draft Charging Schedule, followed by submission to Inspector and an Examination.

This Charging Schedule has been prepared in accordance with Part 11 of the Town and Country Planning Act 2008 (as amended by Part 6 of the Localism Act 2011) and the Community Infrastructure Regulations 2010 (as amended). It is supported by local evidence regarding infrastructure requirements and the impact of the CIL on the viability of development in the Borough, as set out in the background reports. These can be found on the Council's website as part of the CIL evidence base :  
<http://www.calderdale.gov.uk/environment/planning/planning-policy/evidence-base/homes/index.html>

<http://www.calderdale.gov.uk/environment/planning/planning-policy/evidence-base/infrastructure.html>

#### **Proposed CIL Rates**

The CIL Regulations enable differential rates to be set for different types of development and in different parts of the Borough. The Regulations also enable rates to be differentiated by reference to the proposed size of development or the proposed number of units or dwellings.

CIL will be charged on the net additional floor area i.e. after the area of any demolished buildings has been deducted. It will be levied in pounds per square metre.

The Regulations provide for a number of exemptions against which the levy will not be charged. These include:

1. New buildings or extensions where the gross internal area of the new buildings or extensions is less than 100 square metres (other than where the development will comprise one or more dwellings);
2. Self-build homes<sup>10</sup>
3. Residential extensions and annexes;
4. Changes of use, conversion or subdivision of a building that does not involve an increase in floor-space;
5. Social housing<sup>11</sup>

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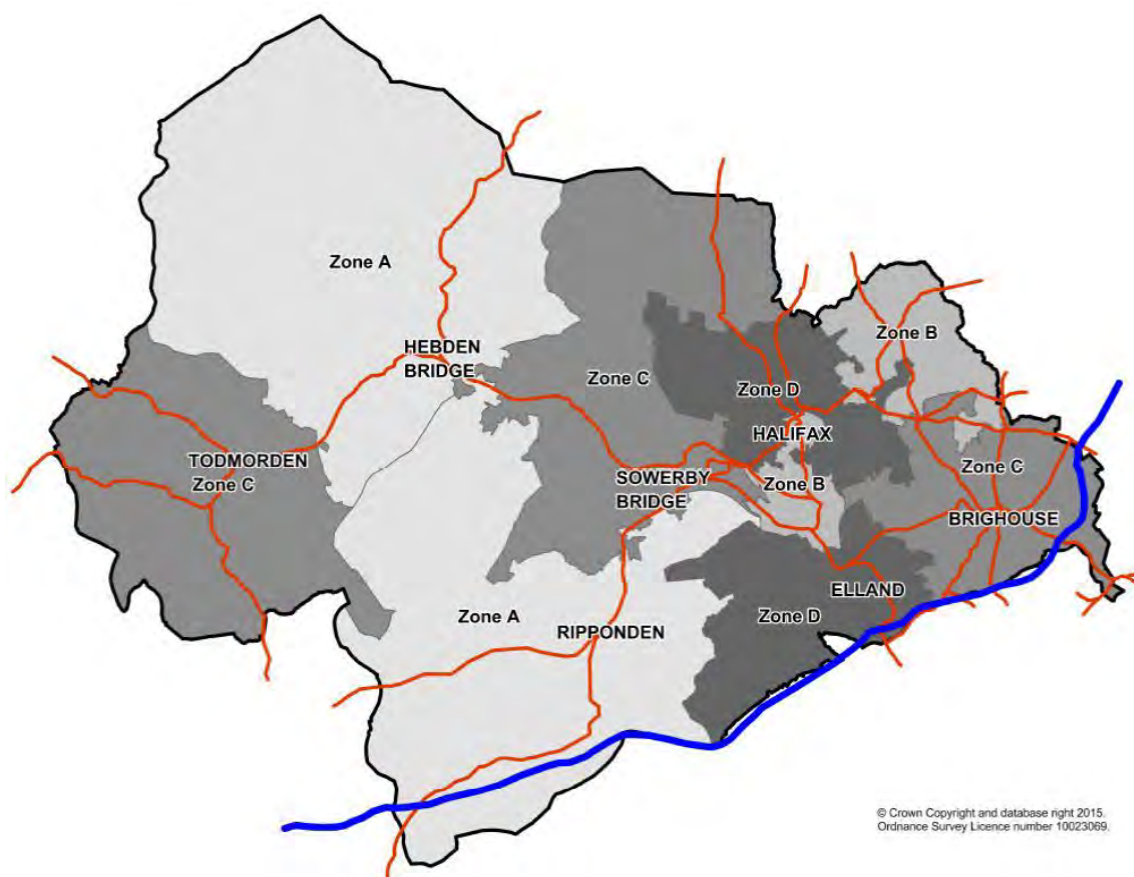
<sup>10</sup> Defined as private individuals who typically self-finance their own projects and who build or commission the build of their home, either by working on their own or working with builders.



6. The creation of a mezzanine floor within a building;
7. Temporary development permitted for a limited period;
8. Buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery;
9. Structures which are not buildings, such as pylons and wind turbines;
10. Development by charities for charitable purposes; and
11. If it is for a use or geographic area that has a zero or nil charge (£0/m<sup>2</sup>) set out in a CIL Charging Schedule; and
12. Floor-space resulting from change of use where the building has been in continuous lawful use for at least 6 months in the 3 years prior to the development being permitted.

The amount to be charged for each type of development is set out in the table below and will be calculated in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended). See Appendix 1a for detailed calculations to be used. For the purposes of the formulae in paragraph 5 of Regulation 40 (set out in Appendix 1a), the relevant rate (R) is the rate shown in the table below. The CIL payments are index linked. The map shows the different charging zones.

#### CHARGING ZONES : -



<sup>11</sup> Social housing relief applies to social rented housing, intermediate rent or shared ownership, affordable rent (providing the rents are at least 20% below open market levels) and discount market sale (providing they meet the defined criteria at European and national level).

## PRELIMINARY DRAFT CHARGING SCHEDULE

Use	Area	Maximum possible Charge	PROPOSED CIL CHARGE
Residential (Houses)	Zones A	£230.00psm	<b>£75.00psm</b>
Residential (Houses)	Zones B	£110.00psm	<b>£75.00psm</b>
Residential (Houses)	Zones C	£95.00psm	<b>£65.00psm</b>
Residential (Houses)	Zones D	£40.00psm	<b>£25.00psm</b>
Retail – Convenience >500sq.m	All	£75.00psm	<b>£50.00psm</b>
Residential Institutions / Care Homes (Use Class C2)	All	£90.00psm	<b>£60.00psm</b>
All Other Chargeable Uses (including Apartments)	ALL	-	<b>£5.00psm or NIL</b>
			psm = £ per square metre

### How to comment on the Preliminary Draft Charging Schedule

If you have any comments on the Calderdale Preliminary Draft Charging Schedule, including the associated evidence base and other documents, please comment through the Consultation Portal on the Council's web-site :

<http://www.calderdale.gov.uk/environment/planning/planning-policy/local-plan/index.html>

or write to the following address answering the questions below by 5.00pm on Friday 18<sup>th</sup> December 2015

Calderdale Council : Economy and Environment  
Planning & Highways  
Spatial Planning Team  
Westgate House  
HALIFAX  
HX1 1PS

Please note that if you disagree with any aspects of the Schedule your response needs to be supported with actual evidence and examples, otherwise it may be difficult to give your comment much weight.

When commenting on the proposed rates set out in this PDCS, questions you may wish to consider include:

8. Do you agree with the assumptions and approach of the Economic Viability Study? If not what alternatives do you suggest;
9. Do you agree that the Council has presented appropriate evidence for determining the level of CIL that would be viable across the Borough and if not why not?
10. Do you agree that the rates proposed represent an appropriate balance between the desirability of funding infrastructure and the need to maintain the overall viability of growth / development across the Borough?
11. Do you agree with the different rates and charging zones for the development types proposed. If not which do you not agree with and why?
12. Do you think the boundaries between the different zones are appropriate? if not please say what amendments should be made?
13. Do you support the draft instalments policy?
14. Do you support the Council adopting an exceptional circumstances policy?

#### **Next Steps and Indicative Timescales**

Stage	Date	Notes
Consultation on CIL Preliminary Draft Charging Schedule and Regulation 123 List	6 <sup>th</sup> November to 18 <sup>th</sup> December 2015	This is the current stage of Consultation
Consultation on Draft Charging Schedule	Early/mid 2016 subject to progress of the Local Plan	
Draft Charging Schedule submitted for Examination	Mid/late 2016	
Independent Examination		
Adoption of the CIL – charging to commence		To be approved by full Council

Please note that as much advance notice as possible will be given as to the date on which the Council intends to adopt the final CIL. This is to ensure that applicants with pending planning applications including those with S106 still to be concluded have sufficient time to determine their approach. If applications are not determined (and S106s completed) by the date that CIL is adopted then they will become CIL liable.

## Appendix 1a– Calculation of Chargeable Amount

### Extract from the Community Infrastructure Levy Regulations 2010 (as amended).

*Note: this annex is formally part of the Preliminary Draft Charging Schedule)*

#### Calculation of chargeable amount

#### **Regulation 40**

1. The collecting authority must calculate the amount of CIL payable ('chargeable amount') in respect of a chargeable development in accordance with this regulation.
2. The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant dates.
3. But where that amount is less than £50 the chargeable amount is deemed to be zero.
4. The relevant rates are the rates at which CIL is chargeable in respect of the chargeable development taken from the charging schedules which are in effect:
  - a) at the time planning permission first permits the chargeable development; and
  - b) in the area in which the chargeable development will be situated.
5. The amount of CIL chargeable at a given rate (R) must be calculated by applying the following formula:

$$\frac{R \times A \times L_p}{L_c}$$

Where:

R = CIL rate

A= the deemed net area of development

L<sub>p</sub> = the index figure for the year in which planning permission was granted; and

L<sub>c</sub> = the index figure for the year in which the charging schedule contain the charging rate (R) took effect.

6. The value of (A) in paragraph 5 must be calculated by applying the following formula:

$$GR - KR - ((GR \times E)/G)$$

Where:

G = the gross internal area of the chargeable development

GR = the gross internal area of the part of the development chargeable at rate R

E= an amount equal to the aggregate of the gross internal areas of all buildings which:

- a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use; and
- b) are to be demolished before completion of the chargeable development; and

KR = an amount equal to the aggregate of the gross internal area of all buildings (excluding any new build) on completion of the chargeable development which:

- a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use; and
- b) will be part of the chargeable development upon completion; and
- c) will be chargeable at rate R

7. The index referred to in paragraph (5) is the national All in Tender Price Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors; and the figure for a given year is the figure for 1<sup>st</sup> November of the preceding year.
8. But in the event that the All – in Tender Price Index ceases to be published, the index referred to in paragraph (5) is the retail prices index; and the figure for a given year is the figure for November of the preceding year.
9. Where the collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish:
  - a) the gross internal area of a building situated on the relevant land; or
  - b) whether a building situated on the relevant land is in lawful use, the collecting authority may deem the gross internal area of the building to be zero.
10. For the purposes of this regulation a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 3 years ending on the day planning permission first permits the chargeable development.
11. In this regulation ‘building’ does not include:
  - a) A building into which people do not normally go;
  - b) A building into which people go only intermittently for the purpose of maintaining or inspecting machinery; or
  - c) A building for which planning permission was granted for a limited period.
12. In this regulation ‘new build’ means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings.

## Appendix 2 – Draft Instalments Policy

The responsibility to pay the levy is with the landowner on which the proposed development is to be situated. The Regulations define the landowner, as the person who owns a ‘material interest’ in the relevant land to be developed.

This draft Instalments Policy is made in line with Regulation 69B and 70 of the Community Infrastructure Levy Regulations (as amended) and is as follows:

- i. This instalments policy takes effect on [date]. [to be updated on adoption of the CIL]
- ii. The CIL instalment policy calculates payment days from commencement of development on site. The commencement date will be taken to be the date advised by the developer in the commencement notice under CIL Regulation 67.
- iii. Payment of instalments are as follows:

<£9,999	Due in full within 60 days of commencement
£10,000 - £59,999	Due in 3 equal instalments within: a) 60days of commencement b) 120 days of commencement c) 180 days of commencement
£60,000 - £99,000	Due in 4 equal instalments within: a) 60 days of commencement b) 120 days of commencement c) 180 days of commencement d) 240 days of commencement
£100,000 +	Due in 4 equal instalments within: a) 90 days of commencement b) 180 days of commencement c) 360 days of commencement d) 720 days of commencement

- iv. Where the amount of levy payable is greater than £xxxxx (figure to be inserted following Consultation on the PDCS) the council may consider an in kind payment of land. Payments in kind must be entered into and agreed before commencement of development. Land provided in kind must be provided to the same timescales as cash payments.

### **Appendix 3 – Exceptional Circumstances Policy**

**Regulations 55 and 58** allow charging authorities to set discretionary relief for exceptional circumstances. Use of an exceptional circumstances policy enables the charging authority to avoid rendering sites with specific and exceptional cost burdens unviable should exceptional circumstances arise. It is a mechanism to enable growth and deliver development where CIL and S106 conflict.

Calderdale Council intends to have an Exceptions Policy for exceptional circumstances which will be agreed by the Council. To put in place this policy the Council will need to comply with notification requirements and publish a statement confirming that relief for exceptional circumstances is available within Calderdale from a specified date. The process would then be that a landowner would have to submit a claim in accordance with the Regulation. The Council may grant relief from liability to pay CIL if (a) it appears to the Council that there are exceptional circumstances which justify doing so; and (b) the Council considers it expedient to do so. The Regulations (as amended) specify the requirements that must be met in making this assessment, and these are set out below:

**Regulation 55(3) (as amended)** A charging authority may grant relief for exceptional circumstances if:

- a) It has made relief for exceptional circumstances available in its area;
- b) A planning obligation under S106 of the TCPA 1990 has been entered into in respect of the planning permission which permits the chargeable development; and
- c) The charging authority: -
  - (i) Considers that to require payment of the CIL charged by it in respect of the chargeable development would have an unacceptable impact on the economic viability of the chargeable development; and
  - (ii) Is satisfied that to grant relief would not constitute a State aid which is required to be notified to and approved by the European Commission.

The person claiming relief must be an owner of a material interest in the relevant land. A claim for relief must be submitted in writing and be received before commencement of the chargeable development. It must be accompanied by an assessment carried out by an independent person of the cost of complying with the planning obligation, the economic viability of the chargeable development, an explanation of why payment of the chargeable amount would have an unacceptable impact on the economic viability of that development, an apportionment assessment (if there is more than one material interest in the relevant land) and a declaration that the claimant has sent a copy of the completed claim form to the owners of the other material interests in the relevant land (if any).



For the purposes of the above paragraph an independent person is someone who is appointed by the claimant with the agreement of the charging authority and has appropriate qualifications and experience.

*A chargeable development ceases to be eligible for relief for exceptional circumstances if before the chargeable development is commenced there is a disqualifying event. This is where the development is granted charitable or social housing relief, is disposed of, or has not been commenced*

Calderdale Community Infrastructure Levy : Preliminary Draft Charging Schedule 2015



## APPENDIX 8:

### COMMENTS MADE and CONSIDERED RESPONSE to CIL PRELIMINARY DRAFT CHARGING SCHEDULE 2015

#### Comments on CIL PRELIMINARY DRAFT CHARGING SCHEDULE 2015 Consultation:

#### QUESTIONS ASKED DURING THE 2015 CONSULTATION

#### Q1. Do you agree with the assumptions and approach of the Economic Viability Study?

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
NO	NHS Manchester (Rosanna Cohen)	<p>The Calderdale: Local Plan and CIL Viability Assessment (October 2015), used as part of the CIL charge evidence base, does not consider the impact of the proposed charges on D1 and C2 healthcare uses. As such, there does not appear to be an appraisal of the impact of the proposed charges on the viability of healthcare developments and therefore the ability of the NHS to provide for future healthcare infrastructure requirements. Changing healthcare requirements and a shift towards community residential care facilities as opposed to hospital based facilities is occurring across England. This requires development within communities in modern premises that are fit for purpose and financially viable.</p> <p>Under the proposals it is possible that the charge for a new community hospital facility could amount to hundreds of thousands of pounds. This would have a clear impact on the viability of such a project and could prevent the delivery of much needed facilities.</p> <p>The Infrastructure Delivery Plan (2012), which is used as evidence for the production of CIL, recognises the potential</p>	<p>Development by a predominantly publicly funded or not for profit organisations, including sports and leisure centres, <u>medical or health services</u>, community facilities, and education will be zero rated within the Draft Charging Schedule. Also where developments are owned by a charitable institution and that chargeable development is used wholly or mainly for charitable purposes it will also be exempt from liability to pay CIL.</p> <p>We will work with all infrastructure providers (including Calderdale Clinical Commissioning Group) in developing the R123 List as appropriate. However, the Council does want to manage expectations in that CIL will only be a small element of the overall infrastructure funding gap and will not be able to fund all requests. It may be that certain projects can be funded by the local communities from their meaningful proportion if identified as priorities.</p> <p>A link to the Local Plan and CIL Viability Assessment is provided within the Planning Policy pages on the Council's website:  <a href="http://www.calderdale.gov.uk/environment/planning/planning-">www.calderdale.gov.uk/environment/planning/planning-</a> </p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>impact of projected population growth and the ageing population in Calderdale on NHS services. Population is expected to increase by 16% between 2009 and 2033, and this increase will be seen most significantly in the 65 years plus age group.</p> <p>In light of recent estates planning work undertaken on by NHS PS on behalf of Calderdale Clinical Commissioning Group, we would ask to be included in any review of the Regulation 123 list, to ensure that new development in your area is suitably covered by the required health facilities.</p> <p>The CIL Economic Viability Assessment Update (2015), referred to on page 13 of the PDCS Consultation document, is not available via the internet link provided.</p>	<p><a href="#">policy/community-infrastructure-levy</a></p>
NO	Chris Watson	<p>I am writing in regards to the Calderdale CIL Preliminary Draft Charging schedule to express my concerns over the terminology used by the Council for the 'Residential Institutions / Care Homes (C2 Use Class)' CIL rate. I am concerned that the term may have unintended consequence and as such I respectfully request the Council consider revising this definition.</p> <p>In the Calderdale Local Plan and CIL Viability Assessment the assessment of the viability of nursing / care homes is tested and it is concluded that this form of development can support a CIL charge. No other development in the classified under Use Class C2: Residential Institution of the Town and Country Planning Use Classes Order is tested and as such I assume that the proposed CIL rate was intended to only be levied against nursing / care homes.</p> <p>The definition as it currently stands can be read to include all development falling under Use Class C2 of the Use Classes Order, as it references the terms 'Residential Institution' and 'C2 Use Class'. Other forms of development that could be caught under Use Class C2 include residential schools, colleges, hospitals and training centres, which would be an unfortunate unintended</p>	<p>Our intention was for CIL to be levied against nursing / care homes rather than all of the other development classified under Use Class C2.</p> <p>Development by a predominantly publicly funded or not for profit organisations, including sports and leisure centres, medical or health services, community facilities, and education will be zero rated within the Draft Charging Schedule. Also where developments are owned by a charitable institution and that chargeable development is used wholly or mainly for charitable purposes it will also be exempt from liability to pay CIL.</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>consequence.</p> <p>I note that no other form of development reference the Use Classes Order and the term 'Residential Nursing / Care home' is sufficiently clear by itself. I therefore request you amend the term 'Residential Institutions / Care Homes (C2 Use Class)' to simply 'Residential Nursing / Care home' accordingly.'</p>	
<b>NO</b>	<b>Alcuin Homes</b>	<p>This representation has been prepared by WYG on behalf of Alcuin Homes who are a privately owned house builder. This representation should be read alongside the representations made in respect of the Calderdale Potential Sites and Other Aspects of the Local Plan consultation.</p> <p>We consider that the Calderdale Preliminary Draft Charging Schedule is not based on up to date evidence about the infrastructure needs of the area and the ability of development in that area to fund that infrastructure in whole or in part. The Calderdale Infrastructure Delivery Plan was published in Autumn 2012 and therefore needs to be updated to reflect current needs. The Preliminary Draft Charging Schedule refers to Fore Consulting being commissioned to critically review the Infrastructure Delivery Plan; however this review does not appear to be publically available.</p> <p>Due to the scale of the charging zones map at page 16 of the Preliminary Draft Charging Schedule it is difficult to identify individual sites and therefore identify what charging zone they fall within.</p> <p>The Calderdale Local Plan and CIL Viability Assessment 2015 (LPCVA) has been prepared by GVA to support the Local Plan and Community Infrastructure Levy Preliminary Draft Charging Schedule. The reference to the housing market zones in the</p>	<p>The CIL Guidance states that Authorities are required to rely on evidence that is appropriate and available. The Regulations also allow for front loading of the development of CIL, so long as there is an identified infrastructure gap. For the purposes of this current stage of the CIL, Fore Consulting were commissioned, as part of the Local Plan and CIL Viability Assessment to critically review the Infrastructure Delivery Plan (Autumn 2012), and identify the overall funding gap. The review by Fore consulting is the best available information at this time and clearly demonstrates a large funding gap in Calderdale which justifies a need to develop a CIL; it is of a different purpose to the Infrastructure Delivery Plan which supports the delivery of the Local Plan. The infrastructure projects or types of infrastructure items that the Council intends will be wholly or partly funded by CIL will be set out in its Regulation 123 List, which will be published alongside the Draft Charging Schedule.</p> <p>The CIL charging zones will be updated and presented on an OS map base. This will be a standalone map to accompany the diagrammatic version within the Draft Charging Schedule. This map will be presented on the Council's website in a format which allows zooming down to individual site boundaries. If there is any difficulty for applicants in determining which boundary a particular site may be located in, Council officers can use their GIS system to provide an even higher level of detail.</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>LPCVA as hot, medium and cold zone is unclear and needs clarification. Figure 4.3 in the Calderdale Strategic Housing Market Assessment (SHMA) 2010 identifies 'very hot', 'hot', 'medium' and 'cold' zones however this is not referred to in the LPCVA.</p> <p>The LPCVA does not then corresponded with the charging zones in the Preliminary Draft Charging Schedule (for residential this is zone A, B, C and D). It is therefore difficult to understand what is being referred to in the various documents and this needs clarifying to ensure that the LPCVA is an appropriate and robust evidence document to support the Preliminary Draft Charging Schedule.</p> <p>Paragraph 9.10 of the LPCVA states that the potential for CIL has been modelled having also considered the cumulative impact of Policy TPH6 (affordable housing). This does not correspond with the 'Potential Sites and other aspects of the Local Plan' which is currently out for consultation as Policy TP7 covers affordable housing. It is unclear if these affordable housing levels in the proposed Local Plan are the same as those in the LPCVA and therefore it is difficult to draw definitive conclusions.</p> <p>The affordable housing provision is based on the Calderdale SHMA and Economic Viability Assessment (2011) and this is not up to date or based on current market conditions. There have been major changes to national planning policy, guidance and legislation since 2011 and the Economic Viability Assessment should be updated to ensure that the affordable housing policies can be found sound.</p> <p>The 2015 LPCVA makes limited reference to affordable housing but does recognise that affordable housing targets are achievable only on greenfield unconstrained sites. The LPCVA states that even when remediation costs are excluded brownfield sites are unable to sustain the levels of affordable housing set out in the Local Plan (paragraph 8.3 of the LPCVA). This further states that only 11.5% of the future land supply for</p>	<p>The LPCVA aligns itself with the market value geographies / housing areas, which have been used as the basis for analysis for producing key sources of evidence including the Affordable Housing EVA and the SHMA 2015 update. This was to ensure consistency with the existing evidence base but also to ensure that CIL would not undermine the delivery of affordable housing targets.</p> <p>Reference to the four sub market zones is clearly referenced at Section 7.40 to 7.41 (inclusive of figure 1 and Table 49) of the LPCVA. The appraisal results (Section 8) and conclusions (Section 9) clearly demonstrate the impacts of CIL and other local plan standards by reference to these 4 sub market areas. Table 52 (page 108 of the LPCVA) shows the recommended CIL charges for the very hot, hot, medium and cold sub market areas.</p> <p>For clarity</p> <p>Zone A = Very Hot sub market area;  Zone B = Hot sub market area;  Zone C = Medium sub market area; and  Zone D = Cold sub market area.</p> <p>Policy TP7 sets out the policy for affordable housing but supporting Table 8.9 details the provision of affordable housing in accordance with Policy TPH6. The thresholds and proportion of affordable housing stated in Table 8.9 within the 'Potential Sites and other aspects of the Local Plan' have been included within the LPCVA (refer to Table 35).</p> <p>The viability of affordable housing has been modelled with reference to the thresholds and proportion of affordable housing in accordance with Policy TP7. The tenure and mix of affordable housing has referenced the Calderdale SHMA (2015). Therefore, the viability of affordable housing with Calderdale (originally set out within the 2011 EVA) has been updated within the current LPCVA. The results are set out within Section 8 (para 8.3 to 8.5).</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>housing is brownfield (paragraph 8.5 of the LPCVA). The LPCVA is therefore not consistent with Policy CP1 which sets a minimum target of 55% of new housing to be built on brownfield land.</p> <p>The primary role of the Local Plan viability assessment is to provide evidence to show that the requirements set out within the NPPF are met.</p> <p>The LPCVA also identifies that brownfield sites are unable to sustain CIL. The analysis in the LPCVA identifies that the SHLAA shows that only 12% of the future housing capacity (non-consented sites) is brownfield and therefore draws the conclusion that sufficient sites are viable to deliver the Plan's housing requirements over the Plan period. However proposed Local Plan Policy CP1 includes a brownfield target of 55% for new housing. Policy CP1 will clearly be undeliverable as CIL is non-negotiable. The conclusions drawn in the LPCVA are not consistent with the policies in the Local Plan and seem to have been prepared in isolation.</p> <p>The conclusions from the LPCVA, that brownfield sites are unable to sustain either CIL or affordable housing, has significant implications for the Local Plan, which expects 55% of housing on brownfield sites. For CIL to be introduced Policy CP1 needs to be amended to acknowledge that the majority of the housing requirement will be met on greenfield sites to ensure that the Local Plan is deliverable. This has major consequences for the housing policies and the number of the draft housing allocations in the Local Plan.</p> <p>When the costs of the zero carbon standards are modelled in the LPCVA, the assessment of viability shows a significant decrease in the potential CIL charging rate. Whilst the Government's current intention is to not require zero carbon standards, it should be noted that the proposed Local Plan Policy CP4 Climate Change and Policy CP6 Sustainable Design and Construction</p>	<p>The National Planning Policy Framework sets out a core planning principle that planning policies should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. The Council has a strong desire to promote development on Brownfield land and sets out a target of 55% of new housing to be on Brownfield land. The Council accept that there are a number of potential physical constraints, when developing brownfield sites that could lead to abnormal costs for developers. Such issues are site specific and can vary enormously; therefore it is difficult to accurately assess the viability of Brownfield development in area wide assessments such as the LPCVA. The cost data applied within the LPCVA is based on guidance published by the Homes and Communities (HCA Remediation Cost Guidance 2015), which provides indicative costs for contamination and site preparation. In total the LPCVA modelled costs ranging from circa £780,000 per ha for small sites up to £475,000 per the for large sites. The LPCVA assumed that all sites would be contaminated and require significant site preparation in advance of their development.</p> <p>The LPCVA demonstrated that when sites were not contaminated and affordable housing was excluded the development of brownfield land for housing was viable in the Very Hot and Hot Market value areas generating average land values of £210,000 per acre in the very hot area and £143,000 per acre in the hot value area. The SHLAA identifies that around 37% of the brownfield land is located within these areas.</p> <p>When site preparation costs are reduced to 50% (down from £390,000 per ha to £195,000 per ha) and remediation of contamination is excluded then development is viable in all but the cold market value areas even with affordable housing as per</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>include energy efficiency requirements that will add significant additional costs to new development.</p> <p>These policies have not been assessed in the LPCVA and therefore the recommended maximum CIL charges do not take account of all of the scale of obligations and policy burdens included in the Local Plan.</p> <p>This is inconsistent with the National Planning Policy Framework (NPPF) which states at paragraph 173: “Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable” (underlining our emphasis).</p> <p>Paragraph 174 of the NPPF further states: “Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate</p>	<p>the requirements stipulated in Policy TP7 This exercise demonstrated that brownfield land values average £140,000per acre in the very hot market areas, £108,000per acre in the hot market value areas and £56,000per acre in the medium value areas.</p> <p>Assuming no contamination and a reduced cost for site preparation combined with no requirement for affordable housing but including CIL at the rates specified in the PDCS the development of Brownfield land for housing is viable in all areas generating average land values of £241,000 per acre in the very hot market area, £176,000 per acre in the hot value area, £98,000 per acre in the medium value area and £53,000 per acre in the cold value area.</p> <p>The development of Brownfield land is, therefore, viable and able to sustain CIL but it is accepted that viability will be influenced by the extent of the abnormal costs. However, it is accepted that some brownfield sites will not be able to sustain the CIL charges proposed. This fact is recognised in the Guidance. In these circumstances the Council will work with developers to consider flexibility in relation to other planning obligations. In addition the Government has also recently undertaken a range of initiatives to support brownfield development including introducing a £1 billion “brownfield fund” to help cover site remediation costs. The introduction of permission in principle and a brownfield register to identify sites which are suitable for new housing development, as proposed in the Housing and Planning Bill, is also intended to expedite the granting of planning permission on brownfield sites.</p> <p>The Council has also had a target for the use of brownfield land since 2006 and in all subsequent years has exceeded the current target (55%). Therefore, whilst this technical assessment may suggest that Brownfield development is unviable the Council has physical evidence of delivery, which supports their interim target</p>



YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>available evidence” (underlining our emphasis).</p> <p>The Planning Practice Guidance (PPG) states: “Charging authorities should set a rate which does not threaten the ability to develop viably the sites and scale of development identified in the relevant Plan. They will need to draw on the infrastructure planning evidence that underpins the development strategy for their area. Charging authorities should use that evidence to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact upon the economic viability of development across their area. The levy is expected to have a positive economic effect on development across a local plan area. 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.”</p> <p>To conclude, we have some serious concerns about the Calderdale CIL Preliminary Draft Charging Schedule and the evidence base which is used as justification. When the brownfield targets set out in the Local Plan are assessed, the LPCVA shows that the specified level of affordable housing and CIL is unviable in all areas.</p> <p>Furthermore the policies and standards set out in the Local Plan have not been modelled in the LPCVA and if this is also assessed then the maximum viable charging rates are also likely to reduce</p>	<p>of 55%. This is real life evidence to balance against the EVS which is necessarily more hypothetical and strategic in approach.</p> <p>Policy CP4 Climate Change states that the Council will expect development proposals to contribute to mitigating and adapting to the predicted impacts of climate change by increasing levels of renewable and low carbon energy generation, through both a range of technologies and domestic, community and commercial scale schemes, whilst taking account of cumulative and environmental impacts.</p> <p>It was not possible to accurately quantify the likely cost implications and therefore it was not possible to consider the impact of this policy within the assessment. However, the assessment has not set the CIL based on the margins of viability. Instead the rates set out within the PDCS are based on 70% of the maximum charges identified through the LPCVA. Therefore any impacts associated which Policy CP4 will be reflected in this cushion.</p> <p>Policy CP6 Sustainable Design and Construction states that all new residential development will be expected to incorporate sustainable design and construction principles throughout the development process in line with Governments objective of setting energy standards through Building Regulations. The LPCVA did model the impact of achieving Zero Carbon standards which was set to be introduced through building regulations this year; However, in July 2015 the Government issued a statement whereby they backtracked on their plans to tighten energy efficiency standards. The Government has also shelved the allowable solutions scheme – a mechanism that would have allowed developers to deliver greenhouse gas savings elsewhere if it was not cost effective to do so on site. As a result there is now some uncertainty whether the Government will actually press ahead with the tightening of Building Regulations this year to</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
			<p>ensure all schemes comply with zero carbon standards. On this basis the viability of CIL has been based on current costs. This approach was endorsed in the High Court following a challenge by Fox Strategic Land on the Examiners approach when recommending that Chorley Borough Council's Community Infrastructure Levy (CIL) Charging Schedule should be adopted. The developer claimed the Examiner had been irrational in his approach to dealing with the Councils evidence on likely residential development land values by failing to see shortcomings in the Councils evidence. One of the 'shortcomings' raised by the developer was the Council had failed to justify the residential CIL charge beyond 2016. In particular they argued that the Council had failed to allow for the potential effects of a development plan policy coming into effect on that date which would require all new dwellings to comply with Level 6 of the Sustainable Homes Code. However, the judge concluded there was 'no need' for the Examiner to ask the Council for evidence to show that the residential CIL rate would not prejudice the viability of housing development after 2016....</p> <p>CP6 also states that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable methods of construction. It was not possible to accurately quantify the likely cost implications and therefore it was not possible to consider the impact of this policy within the assessment. However, it is anticipated that most of these requirements can be achieved through the use of appropriate materials and layout etc. and could typically be achieved without any additional development costs.</p> <p>The rates set out within the PDCS are also based on 70% of the maximum rates set out within the LPCVA. Therefore any impacts associated with Policy CP4 will be reflected in this cushion. There is a clear and large funding gap which justifies the requirement to charge a CIL. There is no singular appropriate</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
			<p>balance, it is up to the Council to decide the appropriate balance of their CIL based on their own evidence and circumstances. This is clear in the CIL Regulations and Guidance (e.g. Regulation 14 where the Charging Authority “must <u>aim</u> to strike <u>what appears</u> to the charging authority to be <u>an</u> appropriate balance, it is a matter of judgement. Calderdale Council has set the rates within the PDCS at a discount of 30% to the maximum rates set out within the LPCVA. The Council therefore believes that an appropriate has been set and that it reflects the evidence accordingly. The rates have not been set at the maximum and therefore are in accordance with the guidance.</p> <p>It is considered that in accordance with the CIL Guidance the Calderdale CIL Charging Schedule will contribute towards the implementation of the Local Plan and support the development of the District by helping to provide infrastructure required as a result of new growth, and allowing delivery of the scale of development set out within the Local Plan. If the Charging rates are too low, development will be constrained by insufficient infrastructure and a lack of local support.</p> <p>The policies and standards set out within the local plan have been modelled and when setting the rates in the PDCS a cushion of 30% has been applied to the maximum rates,</p>
<b>NO</b>	PS Ryley & Co (Mr Iain Crouch)	My concern is that in Zones A & B in particular, the impact of a levy set at £75psm will mean a minimum CIL charge of £7,500 per dwelling. Likewise a levy set at £65psm in Zone C will result in a minimum charge of £6,500 per dwelling. This will have a proportionately greater impact on returns from smaller sites, as construction costs, professional fees and planning fees are not linear. Imposition of an additional £7,500 cost per plot will mean firstly that the developer (developers of smaller sites tend to have to fund projects using loans at commercial rates) will have	The LPCVA does distinguish between small and large developments and includes a higher cost for professional fees on smaller sites. However, the differences in costs have to be viewed in the context of policy variations such as those for affordable housing which is not sought on sites below a certain threshold. In addition the smaller sites don't have the significant infrastructure requirements that many larger schemes have to fund upfront. As a result the evidence within the LPCVA suggests, to the contrary, that smaller sites will be more viable to develop.

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>to finance the sum for a period unknown between implementation and sale, and secondly that in order to maintain a margin, the cost plus interest will ultimately be added to the purchase price. On sites that have minimal viability at present due to stagnation in the housing market (as has been experienced in many parts of the District since 2007), this additional cost may preclude the eventual sale of new dwellings. The knock-on effect of this from the perspective of Calderdale's targets for housing is that fewer small sites are likely to be built upon until the market picks up sufficiently to make it worthwhile.</p> <p>My alternative suggestion therefore is that the charging structure be revised to take account the fact that smaller sites are already proportionately more costly to develop for the reasons stated above.</p>	
<b>NO</b>	The Canal and River Trust (Mr Martyn Coy)	<p>Thank you for consulting the Trust in relation to the Draft Charging Schedule.</p> <p>The Trust has a range of charitable objectives including:</p> <ul style="list-style-type: none"> <li>• To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;</li> <li>• To protect and conserve objects and buildings of heritage interest;</li> <li>• To further the conservation, protection and improvement of the natural environment of inland waterways; and</li> <li>• To promote sustainable development in the vicinity of any inland waterways for the benefit of the public.</li> </ul> <p>We would wish to comment on the Draft Regulation 123 List and note that Green Infrastructure (GI) and pedestrian/cycle</p>	<p>The Regulation 123 List for the Draft Charging Schedule stage will be more specific about the projects on which it is intended to spend the CIL, but it is not required to identify priorities within that list. Specific infrastructure requests will be taken into account in the drafting of the R123 List and the separate prioritisation of spending once the CIL is adopted and starts to be collected. We will work with the Canal and River Trust in these tasks at the appropriate point.</p> <p>However, the Council does want to manage expectations in that CIL will only be a small element of the overall infrastructure funding gap and will not be able to fund all requests. It may be that certain projects can be funded by the local communities from their meaningful proportion if identified as priorities.</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>networks are included within the Draft Regulation 123 List. Please note that the inland waterway network is a form of GI and provides pedestrian and cycle routes along the towpaths. We understand that any infrastructure included on an adopted Regulation 123 list cannot be funded through s106 agreements. To date, s106 agreements have been important as a tool for seeking the mitigation of impacts of development on our waterway network.</p> <p>Clearly GI covers a wide range of types of infrastructure and as such it is likely that only certain GI projects will actually benefit from CIL funding. Having regard to this context, we are concerned that our waterway infrastructure, including the Calder &amp; Hebble Navigation and the Rochdale Canal, are subsumed within a very broad type of infrastructure, i.e. GI, on the Draft Regulation 123 List. Therefore, we consider that there is a need to more precisely define GI projects on the Regulation 123 List so as to prevent a situation occurring in which specific types of GI fail to actually benefit from CIL and at the same time cannot be funded through s106 agreements.</p> <p>As such, we would welcome the opportunity to discuss specific projects for inclusion on the Draft 123 list. For example, we have identified that the section of towpath from Sowerby Bridge, through Todmorden to Walsden is in need of investment to improve the towpath surface and access to it.</p> <p>Therefore, we recommend that this section of the towpath should be included as a project on the Draft 123 list as improvements to this section would benefit Green and pedestrian/cycle infrastructure. This would help promote the use of the towpath and improve sustainable transport options within the area as well as providing more opportunities for leisure and recreation for local residents.</p>	

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
NO	Highways England (Mrs Toni Rios)	<p>This is mainly evidence relating to the Infrastructure Delivery Plan Capacity improvement schemes on the strategic road network (SRN) are necessary to address the impact of increasing traffic levels caused by growth in long distance travel and by traffic generated by or attracted to developments proposed in the Local Plans of planning authorities in West Yorkshire and neighbouring areas.</p> <p>The overall scale of development indicated in the <i>Potential Sites &amp; Other Aspects of the Local Plan</i> consultation document will have a significant adverse traffic impact on the operation of the SRN in West Yorkshire and its junctions with the local primary road network. The overall impact is greater when the land use development proposals for Calderdale are assessed in combination with those of neighbouring local planning authorities.</p> <p>Highways England has a number of planned improvements to the strategic road network serving Calderdale funded as part of the government's Road Investment Strategy (RIS). The schemes are intended to provide additional capacity at congested locations. These schemes should be included in the Infrastructure Schedule in the Calderdale Infrastructure Delivery Plan (IDP). The RIS schemes of particular relevance to Calderdale are as follows:</p> <ul style="list-style-type: none"> <li>• M1/M62 Lofthouse Interchange: Scheme to enhance the capacity of the interchange to be developed in the current roads period with the objective of commencing construction in the period 2020/21-2024/25.</li> <li>• M62 junctions 20-25: Smart motorway scheme intended to start in the current roads period (2015/16-2019/20).</li> <li>• M62/M606 Chain Bar: Scheme to provide an M62 westbound to M606 northbound link intended to start</li> </ul>	<p>Specific infrastructure requests will be taken into account in the drafting of the Regulation 123 List and the separate prioritisation of spending once the CIL starts to be collected. We will work with Highways England in these tasks.</p> <p>However, the Council does want to manage expectations in that the CIL will only be a small element of the overall infrastructure funding gap and will not be able to fund all requests. It may be that certain projects can be funded by the local communities from their meaningful proportion if identified as priorities.</p>

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		<p>in the current roads period (2015/16-2019/20).</p> <p>The initial results of modelling undertaken as part of the Highways England West Yorkshire Infrastructure Study (WYIS) indicate that capacity improvement measures additional to the schemes included in the RIS will be needed to cater for demand generated by development in Calderdale and neighbouring districts during the period to 2030. The draft version of the WYIS was completed in November 2015 and is now under consideration by Highways England. It will be shared with the Council in the near future although it should be noted that the development data included in this modelling was based on that available at the beginning of this year and reflects the 2012 preferred options.</p> <p>Additional schemes identified in the WYIS that are relevant to Calderdale will need to be included in the IDP. Further modelling work will be needed to determine the traffic thresholds or triggers for the additional improvement schemes.</p> <p>The additional schemes that are relevant to Calderdale and that should be included in the IDP are listed below:</p> <p><b>Needed by 2022:</b></p> <ul style="list-style-type: none"> <li>• M62 junction 24: Three lanes approach from M62 westbound off slip on A629 to provide improved stacking capacity.</li> <li>• M62 new junction 24a: The West Yorkshire Infrastructure Study tests the addition of a new junction at 24a to the network. Initial modelling results indicate that this would provide strategic and local road network benefits through increased connectivity and network resilience. However, more detailed feasibility work involving Highways England, Kirklees and the West Yorkshire Combined Authority is ongoing. Modelling of</li> </ul>	

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		<p>the best performing option is underway with a view to providing a better understanding of the scheme benefits.</p> <ul style="list-style-type: none"> <li>• M62 junction 25: Signalisation (in conjunction with the Kirklees Cooper Bridge scheme) to maintain the level of circulatory operation in the context of increased traffic flows.</li> <li>• M62 junction 27: Widening of slip roads on west side of junction on approach to the junction to give benefits through improved stacking capacity.</li> <li>• M62 junction 27: Scheme of capacity improvements to the northern dumbbell roundabout giving enhanced junction operating capacity.</li> <li>•</li> </ul> <p><b>Needed by 2030:</b></p> <ul style="list-style-type: none"> <li>• M62 junction 24: Provision of two lanes from the A629 around the northern circulatory carriageway to the M62 eastbound including closure of the southern circulatory.</li> <li>• M62 junction 26: Upgrade of the M62 westbound diverge to type D1 ghost island (or D2 parallel diverge) to give enhanced junction operating capacity.</li> <li>• M62 junction 27: New link road from M621 to M62 south, new link road between M62 westbound and M621 westbound slip road and associated segregated left turning lane on A62 south.</li> <li>• M62 junction 29 (Lofthouse): Increase current two lanes eastbound and westbound on M62 through Lofthouse Interchange to three lanes in each direction. This is intended to provide capacity additional to the M1/M62 Lofthouse Interchange RIS scheme.</li> </ul> <p>M62 new junction 24a is identified as a Core Project within Kirklees to be funded by the West Yorkshire plus Transport Fund (WY+TF). None of the other schemes identified in the WYIS are funded.</p>	



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		<p>It is possible that the West Yorkshire Infrastructure Study may underestimate the overall impact of Local Plan development in Calderdale and, depending on the eventual mix of sites and land uses, the list of additional schemes to be included in the IDP may well change if any further capacity enhancement schemes are found to be necessary. This will become clear when the final list of sites proposed for development is published in the Draft Local Plan.</p> <p>In general, the committed RIS schemes where construction is to be commenced in the period 2015/16-2019/20 should provide sufficient capacity on the SRN in and around Calderdale to accommodate traffic generated by Local Plan development in West Yorkshire. Between 2020 and the end of the Local Plan period there will be a need to implement the capacity enhancement schemes identified in the WYIS.</p> <p>Where sites have a severe impact on the SRN measures will be required to reduce and mitigate that impact. Sites which have severe individual impacts will need to demonstrate that any committed RIS schemes are sufficient to deal with the additional demand generated by that site.</p> <p>Where committed schemes will not provide sufficient capacity or where Highways England does not have committed investment, sites may need to deliver or contribute to additional schemes identified by the Highways England WYIS and included in the IDP.</p>	
<b>NO</b>	<b>Strata Homes</b>	<p><b>CALDERDALE COMMUNITY INFRASTRUCTURE LEVY PRELIMINARY DRAFT CHARGING SCHEDULE</b></p> <p>We write on behalf of our client, Strata Homes ('Strata') in respect of the publication of the Calderdale Community</p>	<p>For the purposes of this current stage of the CIL, Fore Consulting were commissioned, as part of the Local Plan and CIL Viability Assessment to critically review the Infrastructure Delivery Plan (Autumn 2012), and identify the overall funding gap. The review by Fore consulting is the best available information at this time</p>

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		<p>Infrastructure Levy Preliminary Draft Charging Schedule (PDCS).</p> <p><b>a) Southedge Quarry Context</b>  These representations are focussed on the potential implications of the proposed PDCS on our client's land interests at Southedge Quarry, Hipperholme.</p> <p>The remainder of this letter deals with the policies of the PDCS that determine when and how the rates should be applied and provides Strata's comments on these matters. Strata have not commented on the appropriateness of the charging rates as currently set and reserve the right to do so as the charging schedule goes through further refinement and following further review of scheme viability.</p> <p>The Site covers an area of approximately 15.5 ha and is recognised in the draft Local Plan as appropriate to accommodate in the order of 450 residential units. The Site has a key role to play in assisting the Council in meeting their objectively assessed housing needs and its deliverability is fundamental in this regard.</p> <p>The Site was historically used for the tipping of municipal waste and as such any redevelopment proposal will need to dispose of the waste either on or off site and deal with any resultant land contamination issues. These remediation requirements carry significant abnormal costs which have a material bearing on the viability and deliverability of the proposed development. The costs are to be experienced up front and in advance of the site's development for residential use.</p> <p>Circumstances such as those set out above necessitate the Council to adopt a Phased Payments or Instalments Policy and to include an Exceptional Circumstances Policy (to be applied when the requirements of CIL are demonstrated to undermine a Site's</p>	<p>and clearly demonstrates a large funding gap in Calderdale which justifies a need to develop a CIL; it is of a different purpose to the Infrastructure Delivery Plan which supports the delivery of the Local Plan. The infrastructure projects or types of infrastructure items that the Council intends will be wholly or partly funded by CIL will be set out in its Regulation 123 List, which will be published alongside the Draft Charging Schedule.</p> <p>At present the Council cannot identify specific sites which may require school provision on site. As work progresses on the Site Allocations Plan this will be clarified and may require a review of the CIL on adoption of the Site Allocations Plan.</p>

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		<p>deliverability) and the remainder of our representations focus on these matters in particular.</p> <p><b>b) Our Concerns on the PDCS</b></p> <p><i>1. Draft Section 123 List</i></p> <p>The Draft Section 123 List is acknowledged by officers to be ‘non-specific’ and to be subject to further review alongside the Local Plan as it moves through the various consultation stages. The List as currently drafted sets out the types of infrastructure that would benefit from CiL contributions but fails to identify specific projects or infrastructure that are to be delivered by CiL. The PDCS has been released alongside the draft Local Plan and in advance of the Council’s assessment of employment needs within the Borough and as such, a full and informed understanding of the distribution of new growth. The Section 123 List, as set out within the PDCS, is acknowledged to be premature in this respect and its release for public comment is considered contrary to National Planning</p> <p>Policy Guidance in that it fails to be underpinned by ‘<i>evidence on infrastructure planning</i>’.</p> <p>Strata object to the setting of the initial draft Regulation 123 List in this context and request that appropriate opportunity be provided to comment on the draft List once provided.</p> <p>Without prejudice to the comments that Strata may wish to provide on the Regulation 123 List, we object to the ‘notes’ within the Regulation 123 List table of the PDCS as they relate to Primary and Secondary Education.</p> <p>As drafted, the Regulation 123 List introduces an expectation for all large scale residential development sites across the Borough, to provide both primary and secondary school provision as an integral part of the development or through separate planning obligations. This would infer that all ‘large scale residential development’ sites will be considered for onsite provision</p>	

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		<p>whether there is a need for this or not. Without a proper understanding of which sites would be affected (because there is no definition of 'large scale residential') and the effects that such a requirement will have on viability, there is a prospect that this provision could undermine delivery of new housing sites.</p> <p>This requirement is premature with the Council yet to conclude on the scale and distribution of their housing requirement and associated schooling needs through the emerging Local Plan. Only when a fix is reached on the location of housing and employment growth will the Council be able to determine the need and viability of new school provision. These matters need to be reassessed in advance of publishing the Draft Charging Schedule.</p>	
NO	Crosslee plc	<p>This representation has been prepared by WYG on behalf of Alcuin Homes who are a privately owned house builder. This representation should be read alongside the representations made in respect of the Calderdale Potential Sites and Other Aspects of the Local Plan consultation.</p> <p>We consider that the Calderdale Preliminary Draft Charging Schedule is not based on up to date evidence about the infrastructure needs of the area and the ability of development in that area to fund that infrastructure in whole or in part. The Calderdale Infrastructure Delivery Plan was published in Autumn 2012 and therefore needs to be updated to reflect current needs. The Preliminary Draft Charging Schedule refers to Fore Consulting being commissioned to critically review the Infrastructure Delivery Plan; however this review does not appear to be publically available.</p> <p>Response The CIL Guidance states that Authorities are required to rely on</p>	<p>The CIL Guidance states that Authorities are required to rely on evidence that is appropriate and available. The Regulations also allow for front loading of the development of CIL, so long as there is an identified infrastructure gap. For the purposes of this current stage of the CIL, Fore Consulting were commissioned, as part of the Local Plan and CIL Viability Assessment to critically review the Infrastructure Delivery Plan (Autumn 2012), and identify the overall funding gap. The review by Fore consulting is the best available information at this time and clearly demonstrates a large funding gap in Calderdale which justifies a need to develop a CIL; it is of a different purpose to the Infrastructure Delivery Plan which supports the delivery of the Local Plan. The infrastructure projects or types of infrastructure items that the Council intends will be wholly or partly funded by CIL will be set out in its Regulation 123 List, which will be published alongside the Draft Charging Schedule.</p> <p>The CIL charging zones will be updated and presented on an OS map base. This will be a standalone map to accompany the diagrammatic version within the Draft Charging Schedule. This</p>

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		<p>evidence that is appropriate and available. The Regulations also allow for front loading of the development of CIL, so long as there is an identified infrastructure gap. For the purposes of this current stage of the CIL, Fore Consulting were commissioned, as part of the Local Plan and CIL Viability Assessment to critically review the Infrastructure Delivery Plan (Autumn 2012), and identify the overall funding gap. The review by Fore consulting is the best available information at this time and clearly demonstrates a large funding gap in Calderdale which justifies a need to develop a CIL; it is of a different purpose to the Infrastructure Delivery Plan which supports the delivery of the Local Plan. The infrastructure projects or types of infrastructure items that the Council intends will be wholly or partly funded by CIL will be set out in its Regulation 123 List, which will be published alongside the Draft Charging Schedule.</p> <p>Due to the scale of the charging zones map at page 16 of the Preliminary Draft Charging Schedule it is difficult to identify individual sites and therefore identify what charging zone they fall within.</p> <p>Response The CIL charging zones will be updated and presented on an OS map base. This will be a standalone map to accompany the diagrammatic version within the Draft Charging Schedule. This map will be presented on the Council's website in a format which allows zooming down to individual site boundaries. If there is any difficulty for applicants in determining which boundary a particular site may be located in, Council officers can use their GIS system to provide an even higher level of detail .</p> <p>The Calderdale Local Plan and CIL Viability Assessment 2015 (LPCVA) has been prepared by GVA to support the Local Plan and Community Infrastructure Levy Preliminary Draft Charging Schedule.</p>	<p>map will be presented on the Council's website in a format which allows zooming down to individual site boundaries. If there is any difficulty for applicants in determining which boundary a particular site may be located in, Council officers can use their GIS system to provide an even higher level of detail.</p> <p>The LPCVA aligns itself with the market value geographies / housing areas, which have been used as the basis for analysis for producing key sources of evidence including the Affordable Housing EVA and the SHMA 2015 update. This was to ensure consistency with the existing evidence base but also to ensure that CIL would not undermine the delivery of affordable housing targets.</p> <p>Reference to the four sub market zones is clearly referenced at Section 7.40 to 7.41 (inclusive of figure 1 and Table 49) of the LPCVA. The appraisal results (Section 8) and conclusions (Section 9) clearly demonstrate the impacts of CIL and other local plan standards by reference to these 4 sub market areas. Table 52 (page 108 of the LPCVA) shows the recommended CIL charges for the very hot, hot, medium and cold sub market areas.</p> <p>For clarity</p> <p>Zone A = Very Hot sub market area; Zone B = Hot sub market area; Zone C = Medium sub market area; and Zone D = Cold sub market area.</p> <p>Policy TP7 sets out the policy for affordable housing but supporting Table 8.9 details the provision of affordable housing in accordance with Policy TPH6. The thresholds and proportion of affordable housing stated in Table 8.9 within the 'Potential Sites and other aspects of the Local Plan' have been included within the LPCVA (refer to Table 35).</p>

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		<p>The reference to the housing market zones in the LPCVA as hot, medium and cold zone is unclear and needs clarification. Figure 4.3 in the Calderdale Strategic Housing Market Assessment (SHMA) 2010 identifies 'very hot', 'hot', 'medium' and 'cold' zones however this is not referred to in the LPCVA.</p> <p>Response</p> <p>The LPCVA aligns itself with the market value geographies / housing areas, which have been used as the basis for analysis for producing key sources of evidence including the Affordable Housing EVA and the SHMA 2015 update. This was to ensure consistency with the existing evidence base but also to ensure that CIL would not undermine the delivery of affordable housing targets.</p> <p>Reference to the four sub market zones is clearly referenced at Section 7.40 to 7.41 (inclusive of figure 1 and Table 49) of the LPCVA. The appraisal results (Section 8) and conclusions (Section 9) clearly demonstrate the impacts of CIL and other local plan standards by reference to these 4 sub market areas. Table 52 (page 108 of the LPCVA) shows the recommended CIL charges for the very hot, hot, medium and cold sub market areas.</p> <p>The LPCVA does not then corresponded with the charging zones in the Preliminary Draft Charging Schedule (for residential this is zone A, B, C and D). It is therefore difficult to understand what is being referred to in the various documents and this needs clarifying to ensure that the LPCVA is an appropriate and robust evidence document to support the Preliminary Draft Charging Schedule.</p> <p>Response</p>	<p>The viability of affordable housing has been modelled with reference to the thresholds and proportion of affordable housing in accordance with Policy TP7. The tenure and mix of affordable housing has referenced the Calderdale SHMA (2015). Therefore, the viability of affordable housing with Calderdale (originally set out within the 2011 EVA) has been updated within the current LPCVA. The results are set out within Section 8 (para 8.3 to 8.5).</p> <p>The National Planning Policy Framework sets out a core planning principle that planning policies should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. The Council has a strong desire to promote development on Brownfield land and sets out a target of 55% of new housing to be on Brownfield land. The Council accept that there are a number of potential physical constraints, when developing brownfield sites that could lead to abnormal costs for developers. Such issues are site specific and can vary enormously; therefore it is difficult to accurately assess the viability of Brownfield development in area wide assessments such as the LPCVA. The cost data applied within the LPCVA is based on guidance published by the Homes and Communities (HCA Remediation Cost Guidance 2015), which provides indicative costs for contamination and site preparation. In total the LPCVA modelled costs ranging from circa £780,000 per ha for small sites up to £475,000 per the for large sites. The LPCVA assumed that all sites would be contaminated and require significant site preparation in advance of their development.</p> <p>The LPCVA demonstrated that when sites were not contaminated and affordable housing was excluded the development of brownfield land for housing was viable in the Very Hot and Hot</p>

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		<p>For clarity</p> <p>Zone A = Very Hot sub market area;  Zone B = Hot sub market area;  Zone C = Medium sub market area; and  Zone D = Cold sub market area.</p> <p>Paragraph 9.10 of the LPCVA states that the potential for CIL has been modelled having also considered the cumulative impact of Policy TPH6 (affordable housing). This does not correspond with the 'Potential Sites and other aspects of the Local Plan' which is currently out for consultation as Policy TP7 covers affordable housing. It is unclear if these affordable housing levels in the proposed Local Plan are the same as those in the LPCVA and therefore it is difficult to draw definitive conclusions.</p> <p>Response</p> <p>Policy TP7 sets out the policy for affordable housing but supporting Table 8.9 details the provision of affordable housing in accordance with Policy TPH6. The thresholds and proportion of affordable housing stated in Table 8.9 within the 'Potential Sites and other aspects of the Local Plan' have been included within the LPCVA (refer to Table 35).</p> <p>The affordable housing provision is based on the Calderdale SHMA and Economic Viability Assessment (2011) and this is not up to date or based on current market conditions. There have been major changes to national planning policy, guidance and legislation since 2011 and the Economic Viability Assessment should be updated to ensure that the affordable housing policies can be found sound.</p> <p>The primary role of the Local Plan viability assessment is to provide evidence to show that the requirements set out within the NPPF are met.</p>	<p>Market value areas generating average land values of £210,000 per acre in the very hot area and £143,000 per acre in the hot value area. The SHLAA identifies that around 37% of the brownfield land is located within these areas.</p> <p>When site preparation costs are reduced to 50% (down from £390,000 per ha to £195,000 per ha) and remediation of contamination is excluded then development is viable in all but the cold market value areas even with affordable housing as per the requirements stipulated in Policy TP7. This exercise demonstrated that brownfield land values average £140,000 per acre in the very hot market areas, £108,000 per acre in the hot market value areas and £56,000 per acre in the medium value areas.</p> <p>Assuming no contamination and a reduced cost for site preparation combined with no requirement for affordable housing but including CIL at the rates specified in the PDCS the development of Brownfield land for housing is viable in all areas generating average land values of £241,000 per acre in the very hot market area, £176,000 per acre in the hot value area, £98,000 per acre in the medium value area and £53,000 per acre in the cold value area.</p> <p>The development of Brownfield land is, therefore, viable and able to sustain CIL but it is accepted that viability will be influenced by the extent of the abnormal costs. However, it is accepted that some brownfield sites will not be able to sustain the CIL charges proposed. This fact is recognised in the Guidance. In these circumstances the Council will work with developers to consider flexibility in relation to other planning obligations. In addition the Government has also recently undertaken a range of initiatives to support brownfield development including introducing a £1 billion "brownfield fund" to help cover site remediation costs. The introduction of permission in principle and a brownfield register</p>

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		<p>The LPCVA also identifies that brownfield sites are unable to sustain CIL. The analysis in the LPCVA identifies that the SHLAA shows that only 12% of the future housing capacity (non-consented sites) is brownfield and therefore draws the conclusion that sufficient sites are viable to deliver the Plan's housing requirements over the Plan period. However proposed Local Plan Policy CP1 includes a brownfield target of 55% for new housing. Policy CP1 will clearly be undeliverable as CIL is non-negotiable. The conclusions drawn in the LPCVA are not consistent with the policies in the Local Plan and seem to have been prepared in isolation.</p> <p>The conclusions from the LPCVA, that brownfield sites are unable to sustain either CIL or affordable housing, has significant implications for the Local Plan, which expects 55% of housing on brownfield sites. For CIL to be introduced Policy CP1 needs to be amended to acknowledge that the majority of the housing requirement will be met on greenfield sites to ensure that the Local Plan is deliverable. This has major consequences for the housing policies and the number of the draft housing allocations in the Local Plan.</p> <p>The assessment in the LPCVA has modelled the potential for CIL having considered the cumulative impact of affordable housing based on Policy TPH6 (affordable housing. This does not, however, consider the cumulative impact of other policies and standards in the Local Plan.</p> <p>Response The following policies have been considered within the LPCVA:</p> <p>Policy TPH3 Residential Density Policy THP5 – Market Development Mix / Types</p>	<p>to identify sites which are suitable for new housing development, as proposed in the Housing and Planning Bill, is also intended to expedite the granting of planning permission on brownfield sites.</p> <p>The Council has also had a target for the use of brownfield land since 2006 and in all subsequent years has exceeded the current target (55%). Therefore, whilst this technical assessment may suggest that Brownfield development is unviable the Council has physical evidence of delivery, which supports their interim target of 55%. This is real life evidence to balance against the EVS which is necessarily more hypothetical and strategic in approach.</p> <p>The following policies have been considered within the LPCVA:</p> <p>Policy TPH3 Residential Density Policy THP5 – Market Development Mix / Types Policy TPH6 – Affordable Housing Policy TPH4 – Property / unit sizes Policy CP13 – Sustainable Construction Policy TPH5 – Lifetime Homes Standards Policy TPRE 1 – Renewable and Low Carbon Energy Policy TPH1 – Allocating land for Housing Policy CP4 Climate Change states that the Council will expect development proposals to contribute to mitigating and adapting to the predicted impacts of climate change by increasing levels of renewable and low carbon energy generation, through both a range of technologies and domestic, community and commercial scale schemes, whilst taking account of cumulative and environmental impacts.</p> <p>It was not possible to accurately quantify the likely cost implications and therefore it was not possible to consider the impact of this policy within the assessment. However, the assessment has not set the CIL based on the margins of viability. Instead the rates set out within the PDCS are based on 70% of the</p>



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		<p>Policy TPH6 – Affordable Housing  Policy TPH4 – Property / unit sizes  Policy CP13 – Sustainable Construction  Policy TPH5 – Lifetime Homes Standards  Policy TPRE 1 – Renewable and Low Carbon Energy  Policy TPH1 – Allocating land for Housing</p> <p>When the costs of the zero carbon standards are modelled in the LPCVA, the assessment of viability shows a significant decrease in the potential CIL charging rate. Whilst the Government’s current intention is to not require zero carbon standards, it should be noted that the proposed Local Plan Policy CP4 Climate Change and Policy CP6 Sustainable Design and Construction include energy efficiency requirements that will add significant additional costs to new development.</p> <p>These policies have not been assessed in the LPCVA and therefore the recommended maximum CIL charges do not take account of all of the scale of obligations and policy burdens included in the Local Plan.</p> <p>This is inconsistent with the National Planning Policy Framework (NPPF) which states at paragraph 173: “Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable” (underlining our emphasis).</p>	<p>maximum charges identified through the LPCVA. Therefore any impacts associated which Policy CP4 will be reflected in this cushion.</p> <p>Policy CP6 Sustainable Design and Construction states that all new residential development will be expected to incorporate sustainable design and construction principles throughout the development process in line with Governments objective of setting energy standards through Building Regulations. The LPCVA did model the impact of achieving Zero Carbon standards which was set to be introduced through building regulations this year; However, in July 2015 the Government issued a statement whereby they backtracked on their plans to tighten energy efficiency standards. The Government has also shelved the allowable solutions scheme – a mechanism that would have allowed developers to deliver greenhouse gas savings elsewhere if it was not cost effective to do so on site. As a result there is now some uncertainty whether the Government will actually press ahead with the tightening of Building Regulations this year to ensure all schemes comply with zero carbon standards. On this basis the viability of CIL has been based on current costs. This approach was endorsed in the High Court following a challenge by Fox Strategic Land on the Examiners approach when recommending that Chorley Borough Council’s Community Infrastructure Levy (CIL) Charging Schedule should be adopted. The developer claimed the Examiner had been irrational in his approach to dealing with the Councils evidence on likely residential development land values by failing to see shortcomings in the Councils evidence. One of the ‘shortcomings’ raised by the developer was the Council had failed to justify the residential CIL charge beyond 2016. In particular they argued that the Council had failed to allow for the potential effects of a development plan policy coming into effect on that date which would require all new dwellings to comply with Level 6 of the Sustainable Homes Code. However, the judge concluded there</p>

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		<p>Paragraph 174 of the NPPF further states: “Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate available evidence” (underlining our emphasis).</p> <p>The Planning Practice Guidance (PPG) states: “Charging authorities should set a rate which does not threaten the ability to develop viably the sites and scale of development identified in the relevant Plan. They will need to draw on the infrastructure planning evidence that underpins the development strategy for their area. Charging authorities should use that evidence to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact upon the economic viability of development across their area. The levy is expected to have a positive economic effect on development across a local plan area. 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.”</p> <p>To conclude, we have some serious concerns about the Calderdale CIL Preliminary Draft Charging Schedule and the evidence base which is used as justification. When the brownfield targets set out in the Local Plan are assessed, the LPCVA shows that the specified level of affordable housing and</p>	<p>was ‘no need’ for the Examiner to ask the Council for evidence to show that the residential CIL rate would not prejudice the viability of housing development after 2016....</p> <p>CP6 also states that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable methods of construction. It was not possible to accurately quantify the likely cost implications and therefore it was not possible to consider the impact of this policy within the assessment. However, it is anticipated that most of these requirements can be achieved through the use of appropriate materials and layout etc. and could typically be achieved without any additional development costs.</p> <p>The rates set out within the PDCS are also based on 70% of the maximum rates set out within the LPCVA. Therefore any impacts associated which Policy CP4 will be reflected in this cushion.</p> <p>There is a clear and large funding gap which justifies the requirement to charge a CIL. There is no singular appropriate balance, it is up to the Council to decide the appropriate balance of their CIL based on their own evidence and circumstances. This is clear in the CIL Regulations and Guidance (e.g. Regulation 14 where the Charging Authority “must <u>aim</u> to strike <u>what appears</u> to the charging authority to be <u>an</u> appropriate balance, it is a matter of judgement. Calderdale Council has set the rates within the PDCS at a discount of 30% to the maximum rates set out within the LPCVA. The Council therefore believes that an appropriate has been set and that it reflects the evidence accordingly. The rates have not been set at the maximum and therefore are in accordance with the guidance.</p> <p>It is considered that in accordance with the CIL Guidance the Calderdale CIL Charging Schedule will contribute towards the implementation of the Local Plan and support the development</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>CIL is unviable in all areas.</p> <p>Furthermore the policies and standards set out in the Local Plan have not been modelled in the LPCVA and if this is also assessed then the maximum viable charging rates are also likely to reduce</p>	<p>of the District by helping to provide infrastructure required as a result of new growth, and allowing delivery of the scale of development set out within the Local Plan. If the Charging rates are too low, development will be constrained by insufficient infrastructure and a lack of local support.</p> <p>The policies and standards set out within the local plan have been modelled and when setting the rates in the PDCS a cushion of 30% has been applied to the maximum rates,</p>
YES	Mr Ian Stuart	<p>The boundaries of CIL and S106 need clear definition. There will need to be regular reviews of the types of scheme CIL can fund, in order that expenditure can be matched to constantly changing priorities, and meet public expectations</p>	<p>In April 2015 the Regulations scaled back the limit and the use of S106s. The Government's intention is to break the link between the development of a specific site and its contribution to infrastructure provision. Therefore any infrastructure which is directly required to make development acceptable in planning terms will continue to be sought through S106s. This means S106 obligations will remain alongside CIL but will be restricted to infrastructure required to directly mitigate the impact of the proposal. The Regulations therefore restrict the use of planning obligations to ensure that no development is charged twice for the same item of infrastructure through both CIL and S106s.</p> <p>The Council will set out at the CIL Examination a draft list of the projects or types of infrastructure that are to be funded in whole or in part by the CIL. The council will also set out those known site specific matters where S106 contributions may continue to be sought. The principal purpose is to provide transparency on what the charging authority intends to fund in whole or in part through the levy and those known matters where S106 contributions may continue to be sought.</p> <p>Where CIL and S106 payments are both required viability may be taken into account through the exceptional circumstances policy. As it is possible for the CIL to be paid through a payment 'in kind' of land, this may be an option where it is not viable for a site to</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
			<p>provide both CIL and on-site infrastructure through S106.</p> <p>The Council is able to update the Reg123 List at any point in time, however any changes must be justified and subject to appropriate local consultation. It is proposed to make any changes annually as a result of monitoring in the Authority Monitoring Report.</p>
NO	Mrs Jane Harrison	<p>The CLA represents more than 34,000 members who collectively manage and/or own about half of all rural land in England and Wales. CLA members can be individuals, businesses, charities, farmers and estate managers who represent around 250 different types of rural businesses. They generate jobs, provide land and buildings for investment, housing for local people as well as producing food and a whole range of land-based environmental goods and services. They also manage and/or own as much as one third of all heritage in England and Wales, making the CLA by far the largest heritage-owner group. In the North we have 6,500 members covering the same range. This means that we have a particular interest in the application of CIL's in rural areas.</p> <p>The CLA analysed a number of CIL front-runners' viability assessments and preliminary charging schedules and we are very concerned that agricultural, horticultural and forestry developments, and small scale rural developments, are being swept up with urban-focussed development charges. Clearly this would be to the detriment of the rural economy as a whole as urban-focussed charges would stop critically needed development in the countryside. The CIL regulations do allow for differential rates subject to being underpinned by clear evidence.</p> <p><b>Agricultural and other Essential Rural Workers Dwellings</b> I am concerned that the levy set on Residential property in the Zones A, B, C and D covers all residential development with the</p>	<p>Social housing is not liable to pay the CIL, and the CIL Regulations set out that social housing includes rented dwellings where the dwelling will be let by a private registered provider of social housing / a registered social landlord / a local housing authority on an assured agricultural occupancy (or an arrangement that would be an assured agricultural occupancy but for paragraph 12(1)(h) or 12ZA of Schedule 1 to the Housing Act 1988).</p> <p>The Council does need to make sure that the CIL doesn't affect viability of development as a whole, and it must support the development plan which includes support for the rural economy. However, at present as long as a building has been in lawful use for 6 months out of the last 12 months then a change of use would not be liable for the CIL. It is therefore considered that most farm building developments would not be required to pay, and any extensions for business start-ups which were below 100sqm would also not be liable. If business start-ups were entirely removed from the requirement to pay the CIL, there would be potential State Aid issues and the CIL cannot be based on policy proposals, so it is not proposed necessary to alter the CIL requirement specifically for redundant farm buildings.</p> <p>The PDCS CIL rates only have a nominal £5 psm charge for retail developments with the exception of convenience stores greater than 500sq.m. It is, therefore, considered that the majority of farm shops and new village shops would be subject to the nominal charge. They may also be change of use in which case they would also not be liable for the charge.</p>

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		<p>sole exception of social and self-build housing. The Viability Assessment (produced by GVA) has failed to consider that there are a number of situations where new rural dwellings are required to accommodate those employed in agriculture, horticulture, forestry and other rural businesses.</p> <p>Such properties are not sold for development gain and are usually restricted by some form of occupancy condition (S106). Indeed, in some cases a new dwelling will allow a family business to plan succession by providing accommodation for the next generation. In such cases, a charge of between £25psm or £75psm (depending on the Zones) would simply be an additional cost of construction and is likely to render many such projects unviable. As these properties are crucial to the operation of rural businesses and sustainable rural communities, I ask that they be considered separately, based on a suitable viability assessment, or classified with affordable housing for CIL purposes. Our view is that CIL should not apply to these dwellings.</p> <p>Evidence is emerging that Council's are taking notice of comments received from the CLA on publication of their Preliminary Draft Charaina Schedules. Where there has been a to charge a levy on agricultural dwellings on the publication of the Draft Charging Schedule the levy has been reduced to £0psm.</p> <p>Indeed, West Lancashire Borough Council modified their Draft Charging Schedule to take into account my comments that agricultural dwellings should attract a nil rate. The Examiner agreed and their Charging Schedule, which was approved this month, has set a nil rate. The Use Definition is: "Agricultural workers dwelling -dwelling in which the occupation of the property is limited (usually by condition) to those employed in agriculture."</p> <p><b>All Other Chargeable Uses</b> The PDCS indicates that the proposed CIL charge for 'All Other</p>	<p>If the buildings are mainly used for storage (i.e. large barns) for the storage of machinery and grain etc could argue that the new floor space only relates to a building into which people do not normally go or only go intermittently and therefore is not liable for CIL.</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>Chargeable Uses (including apartments) will be £5.00psm or NIL. However, there appears to be no information on the different types of developments which will be charged a levy or not. This requires clarification but would expect buildings erected for agricultural, forestry and horticultural purposes are not buildings into which people normally go and therefore must be, specifically, exempted, or at the very least zero-rated, in your forthcoming draft charging schedule.</p>	
YES	Natural England (Merlin Ash)	<p>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.</p> <p>Natural England is not a service provider, nor do we have detailed knowledge of infrastructure requirements of the area concerned. However, we note that the National Planning Policy Framework Para 114 states “Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. ”We view CIL as playing an important role in delivering such a strategic approach.</p> <p>As such we advise that the council gives careful consideration to how it intends to meet this aspect of the NPPF, and the role of the CIL in this. In the absence of a CIL approach to enhancing the natural environment, we would be concerned that the only enhancements to the natural environment would be ad hoc, and not deliver a strategic approach, and that as such the Local Plan may not be consistent with the NPPF.</p> <p>Potential infrastructure requirements may include:</p>	<p>Specific infrastructure requests will be taken into account in the drafting of the Regulation 123 List and the separate prioritisation of spending once the CIL starts to be collected. We will work with Natural England in these tasks.</p> <p>However, the Council does want to manage expectations in that the CIL will only be a small element of the overall infrastructure funding gap and will not be able to fund all requests. It is therefore considered that while the CIL may contribute to networks of biodiversity and green infrastructure, the other policies of the local plan will also ensure compliance with the NPPF and particularly paragraph 114.</p> <p>The spending of CIL is not to be directly examined other than through consideration alongside the R123 List. However, it is useful for Natural England to have identified potential additions to the R123 and these will be taken into account. It has been accepted at other CIL examinations that the CIL can be spent to mitigate the Habitats Directive, if necessary.</p> <p>It may be that certain projects can be funded by the local communities from their meaningful proportion if identified as priorities.</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<ol style="list-style-type: none"> <li>1. Access to natural greenspace.</li> <li>2. Allotment provision.</li> <li>3. Infrastructure identified in the local Rights of Way Improvement Plan.</li> <li>4. Infrastructure identified by any Local Nature Partnerships and or BAP projects.</li> <li>5. Infrastructure identified by any Green infrastructure strategies.</li> <li>6. Other community aspirations or other green infrastructure projects (e.g. street tree planting).</li> <li>7. Infrastructure identified to deliver climate change mitigation and adaptation.</li> <li>8. Any infrastructure requirements needed to ensure that the Local Plan is Habitats Regulation Assessment compliant (further discussion with Natural England will be required should this be the case.)</li> </ol> <p>We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.</p>	
YES	<b>Sport England (Richard Fordham)</b>	<p>‘Sporting and recreation facilities’ are included within the definition of Community Infrastructure Levy (CIL) infrastructure in the 2008 Planning Act (section 216) which means money raised can be used to fund new or enhanced sports facilities. Sport England therefore recommends that Sports development to be added to the list of developments exempt from paying CIL on pages 5 and 6 of the draft charging schedule.</p> <p>The Regulation 123 List sets out what CIL money will be spent on. It advises that CIL will be used to fund community sports, leisure and recreation facilities.</p> <p>Paragraph 73 of the NPPF requires Local Authorities to</p>	<p>Specific infrastructure requests will be taken into account in the drafting of the Regulation 123 List and the separate prioritisation of spending once the CIL starts to be collected. We will work with Sport England in these tasks.</p> <p>However, the Council does want to manage expectations in that the CIL will only be a small element of the overall infrastructure funding gap and will not be able to fund all requests.</p> <p>The spending of CIL is not to be directly examined other than through consideration alongside the R123 List. However, it is useful for Sport England to have identified potential additions to the R123 and these will be taken into account.</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>undertake a robust and up to date assessment of need for outdoor and indoor sports provision and to use the assessment to identify specific need, deficiencies/surpluses in both quantity and quality within their area and therefore understand what provision is required. Sport England is aware the Council is undertaking a Playing Pitch Strategy which will set out priorities and actions in relation to pitches across Calderdale. However the Council's evidence base for built sports facilities (sport strategy) needs to be undertaken. Sport England would encourage the Council to undertake an assessment of the needs and opportunities for built sports facilities in line with Sport England's guidance <a href="https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/assessing-needs-and-opportunities-guidance">https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/assessing-needs-and-opportunities-guidance</a>. It is essential that the evidence of sporting needs and priorities must be fed into both the CIL Reg123 list.</p> <p>In order to increase likelihood of the levy being spent on sport, the Reg 123 list should detail specific projects for sport. Rather than the Reg 123 list having a generic section relating to the provision of sport provision. Sport England would recommend the Council to list the sports projects in order of priority and in some detail. Such will increase the likelihood of delivery. Unless the Council identify specific projects on the 123 list, it may be more effective for sporting contributions to be sought through planning obligations however this is only in the case where it can be linked to a strategic housing development.</p> <p>After April 2015, no more than five planning obligations can be used to pool funds for any one piece of infrastructure/project. Therefore the Council will need to think quite strategically and plan effectively for sports infrastructure delivery in the future linking development sites with specific projects to meet identified sporting needs. This will enable the Council to take a proactive approach and ensure the most effective use of</p>	<p>It may be that certain projects can be funded by the local communities from their meaningful proportion if identified as priorities.</p>



YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		planning obligations and CIL together to help deliver this/meet the needs of the population.	
YES	CMBC Housing Team		Support welcomed
YES	Ripponden Parish Council	<p>The introduction of the Community Infrastructure Levy (CIL) to replace the Section 106 payments is broadly welcomed by the Parish Council because it gives more flexibility. However the Parish Council disagrees that wind turbines should be exempt, wind turbines and pylons should attract a higher rate because of their environmental and amenity damage.</p> <p>The Parish Council suggests that Calderdale Council should review the 100sqm exemption after 5 years to establish its effectiveness.</p>	<p>The Regulations clearly states that structures which are not buildings, such as pylons and wind turbines are exempt from the charge.</p> <p>The Regulations exempt minor development from the charge. In particular the Guidance stipulates that new development below the threshold of 100sq.m (1,076sq.ft) is not liable for the charge. However, this provision will not apply where the chargeable development comprises one or more dwellings (unless they are self-build homes, in which case they will also be exempt).</p>
YES	CMBC Housing	<p>Yes on the whole, but needs more clarity on the relationship between CIL and S106 requirements where scheme viability is an issue.</p> <p>It does appear a little harsh at point 2.28 that if planning permission is granted on appeal following the implementation of CIL that such a scheme would be liable for CIL payments if the LPA were unjustified in their decision to refuse planning permission. (where there was no CIL requirement when the original application was submitted)</p> <p>Also I do not agree with the assumption in Table 38 that all small affordable housing sites (under 0.5ha) would be 100% apartments development, nor that on larger brownfield sites that such a high proportion of 1 and 2 bed flats would be sought.</p>	<p>In April 2015 the Regulations scaled back the limit and the use of S106s. The Government's intention is to break the link between the development of a specific site and its contribution to infrastructure provision. Therefore any infrastructure which is directly required to make development acceptable in planning terms will continue to be sought through S106s. This means S106 obligations will remain alongside CIL but will be restricted to infrastructure required to directly mitigate the impact of the proposal. The Regulations therefore restrict the use of planning obligations to ensure that no development is charged twice for the same item of infrastructure through both CIL and S106s.</p> <p>The CIL rates have been set mindful of the site specific S106 provision by applying a cushion of 30% to the maximum rates set out within the LPCVA.</p> <p>The Council accept that larger scale developments typically have larger and more concentrated impacts on the local community and infrastructure network. Under the CIL regime, there will still therefore be a need for provision of infrastructure on-site as part</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
			<p>of the determination of a planning application. For these larger schemes, where CIL and S106 payments are both required viability may be taken into account through the exceptional circumstances policy.</p> <p>The relevant date for determining liability is the date of the issuing of the planning permission decision notice. If this is after the date CIL is adopted then the scheme will be liable.</p> <p>Whilst the LPCVA has been based on a range of assumptions it is accepted that these will differ in certain circumstances.</p>
YES	<b>Historic England (Mr Ian Smith)</b>	<p>Thank you for consulting Historic England about the Calderdale Community Infrastructure Levy Preliminary 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 Borough. We have the following comments to make in response to the questions posted in the document:-</p> <p>We have no comments to make regarding rates of CIL which it is proposed to charge. In terms of our area of interest, the suggested rates of CIL seem unlikely to impact upon future investment in developments which could help secure the future of the heritage assets of Calderdale.</p> <p>Indicative Regulation 123 List</p> <p>We welcome the identification of public realm improvements as one of the potential projects within the indicative Regulation 123 List. A high-quality public realm is an essential component to encouraging people to live in and visit the Borough and attract continued investment into Calderdale.</p>	
	<b>Yorkshire Wildlife Trust (Lauren Garside)</b>	<p>Draft Regulation 123 Infrastructure List Yorkshire Wildlife Trust is pleased to note that green infrastructure is included within the Draft Regulation 123 Infrastructure List.</p> <p>At a <b>national level</b> the NPPF gives local authorities a duty in their forward planning work to include Green Infrastructure and</p>	<p>Support welcomed however, the Council does want to manage expectations in that the CIL will only be a small element of the overall infrastructure funding gap and will not be able to fund all requests.</p> <p>Whilst CIL may contribute to networks of biodiversity and green</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>connect up habitat:</p> <p>‘The planning system should contribute to and enhance the natural and local environment by: ... minimising impacts on biodiversity and providing net gains in biodiversity where possible... including by establishing coherent ecological networks that are more resilient to current and future pressures’ (Paragraph 109 NPPF)</p> <p>‘set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure’ (Paragraph 114 NPPF)</p> <p>Other policy drivers for providing GI are the Natural Environment White Paper from 2011 see <a href="http://www.defra.gov.uk/environment/natural/whitepaper/">http://www.defra.gov.uk/environment/natural/whitepaper/</a> and the review of designated sites in the UK by Professor Sir John Lawton "Making Space for Nature" which provided part of the evidence for the White Paper see <a href="http://www.defra.gov.uk/publications/2011/06/07/government-response-making-space-for-nature-review">http://www.defra.gov.uk/publications/2011/06/07/government-response-making-space-for-nature-review</a></p>	<p>infrastructure, the other policies of the local plan will also ensure compliance with the NPPF and particularly paragraph 114.</p>
YES	Network Rail (Mr Jeremy Wayman)		

**Q2. Do you agree that the Council has presented appropriate evidence for determining the level of CIL that would be viable across the Borough?**

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
NO	NHS Manchester (Rosanna Cohen)	<p><b>NHS Property Services Letter of Representations on the Calderdale Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule (PDCS)</b></p> <p>NHS PS supports the requirement for new development to contribute to community infrastructure and to mitigate any harmful impacts arising from proposals. However, we have some serious concerns about the Draft Charging Schedule in its current form. The draft charging schedule currently includes a £60/sq.m charge for 'Residential Institutions/Care Homes (Use Class C2)'. New hospitals (use class C2) would fall into this category and would therefore be subject to a CIL charge. A £5/sq.m or nil charge has been proposed for 'All Other Chargeable Uses.' Health centres or GP surgeries (use class D1) would fall into this category and could therefore be subject to a CIL charge of up to £5/sq.m.</p> <p>The current draft charging schedule has no specific reference to hospitals (Use Class C2) or other healthcare premises (Use Class D1). The provision of healthcare developments (Use Classes C2 and D1) should have a nil CIL rate, because such a charge could compromise the delivery of infrastructure that is required to support growth. Healthcare uses do not generally accommodate revenue-generating operations and have operating costs that are often higher than the income they receive. They therefore require public subsidy. Many of these developments will be infrastructure themselves, which CIL or planning obligations may be required to fund. The viability of vitally important healthcare developments for the local community could therefore be compromised by the</p>	<p>Development by a predominantly publicly funded or not for profit organisations, including sports and leisure centres, <u>medical or health services</u>, community facilities, and education will be zero rated within the Draft Charging Schedule. Also where developments are owned by a charitable institution and that chargeable development is used wholly or mainly for charitable purposes it will also be exempt from liability to pay CIL.</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		proposed CIL charge.	
YES	Mr Ian Stuart		<b>Support welcomed</b>
NO	CMBC Housing	General Comment - Not sure I fully understand the Neighbourhood Fund. If a 100m2 residential property is developed in Zone B, this attracts a CIL charge of £75psm, equating to a total of £7,500.6.6 indicates that in areas without a neighbourhood development plan in place, the local council will receive 15% of CIL receipts (£1,125 in this case), however the next line goes on to state that this would be subject to a cap equal to £100 per dwelling, meaning that only £100 would be received to spend on local infrastructure from the original £7,500, equating to just over 1%?!	The council (district) will be required to pass 15% of CIL receipts to relevant parish and town councils arising from developments in their areas. This would rise to 25% in areas with an adopted Neighbourhood Development Plan. The payments to areas without a Neighbourhood Development Plan in place will be capped to £100 per existing council tax dwelling per year. This means that a parish with 500 existing dwellings cannot receive more than £50,000 of CIL receipts per year (500x£100).
YES	CMBC Housing	<p>Yes on the whole, although I have concerns regarding how CIL will interact with S106 obligations in reality. If a scheme is not viable with the full level of planning obligations and verified through independent financial valuation, how will the split between CIL and S106 contributions be calculated?</p> <p>I also have concerns that there is little reference to brownfield sites within the Preliminary draft charging schedule. The EVA appears to conclude in 9.11 that "Brownfield sites are unable to sustain CIL" which is a concern for funding future infrastructure given the Council's priority for maximising the use of previously developed (brownfield) land with a minimum target of 55% over the Local Plan period</p>	<p>CIL is mandatory if a scheme is unviable at the proposed CIL rates the only form of negotiation will be through a reduction in other S106 Obligations. The exceptional circumstances policy is being offered to avoid rendering sites with specific and exceptional cost burdens unviable should exceptional circumstances arise. It is a mechanism to enable growth and deliver development where CIL and S106 conflict. Regulation 55(3) of the Regulations set out the specific criteria that must be followed.</p> <p>The National Planning Policy Framework sets out a core planning principle that planning policies should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. The Council has a strong desire to promote development on Brownfield land and sets out a target of 55% of new housing to be on Brownfield land. The Council accept that there are a number of potential physical constraints, when developing brownfield sites that could lead to abnormal costs for developers. Such issues are site specific and can vary enormously; therefore it is difficult to accurately assess the viability of Brownfield</p>

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			<p>development in area wide assessments such as the LPCVA. The cost data applied within the LPCVA is based on guidance published by the Homes and Communities (HCA Remediation Cost Guidance 2015), which provides indicative costs for contamination and site preparation. In total the LPCVA modelled costs ranging from circa £780,000 per ha for small sites up to £475,000 per the for large sites. The LPCVA assumed that all sites would be contaminated and require significant site preparation in advance of their development.</p> <p>The LPCVA demonstrated that when sites were not contaminated and affordable housing was excluded the development of brownfield land for housing was viable in the Very Hot and Hot Market value areas generating average land values of £210,000 per acre in the very hot area and £143,000 per acre in the hot value area. The SHLAA identifies that around 37% of the brownfield land is located within these areas.</p> <p>When site preparation costs are reduced to 50% (down from £390,000 per ha to £195,000 per ha) and remediation of contamination is excluded then development is viable in all but the cold market value areas even with affordable housing as per the requirements stipulated in Policy TPH6. This exercise demonstrated that brownfield land values average £140,000per acre in the very hot market areas, £108,000per acre in the hot market value areas and £56,000per acre in the medium value areas.</p> <p>Assuming no contamination and a reduced cost for site preparation combined with no requirement for affordable housing but including CIL at the rates specified in the PDCS the development of Brownfield land for housing is viable in all areas generating average land values of £241,000 per acre in the very hot market area, £176,000 per acre in the hot value area, £98,000 per acre in the medium value area and £53,000 per acre in the</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
			<p>cold value area.</p> <p>The development of Brownfield land is, therefore, viable and able to sustain CIL but it is accepted that this will be determined by the extent of the abnormal costs. However, it is accepted that some brownfield sites will not be able to sustain the CIL charges proposed. This fact is recognised in the Guidance. In these circumstances the Council will work with developers to consider flexibility in relation to other planning obligations. In addition the Government has also recently undertaken a range of initiatives to support brownfield development including introducing a £1 billion “brownfield fund” to help cover site remediation costs. The introduction of permission in principle and a brownfield register to identify sites which are suitable for new housing development, as proposed in the Housing and Planning Bill, is also intended to expedite the granting of planning permission on brownfield sites.</p> <p>The Council has also had a target for the use of brownfield land since 2006 and in all subsequent years has exceeded the current target (55%). Therefore, whilst this technical assessment may suggest that Brownfield development is unviable the Council has physical evidence of delivery, which supports their interim target of 55%. This is real life evidence to balance against the EVS which is necessarily more hypothetical and strategic in approach</p>
<b>NO</b>	<b>Network Rail (Mr Jeremy wayman)</b>	<p>We note that ‘Public Transport Schemes’ are included within the Draft Regulation 123 Infrastructure List. Where growth areas or significant housing allocations are identified close to existing rail infrastructure it is essential that the potential impacts of this are assessed. Many stations and routes are already operating close to capacity and increase in patronage may create the need for upgrades to the existing infrastructure including improved signalling, passing loops, car parking, cycle facilities, improved access arrangements, ticketing facilities or</p>	<p>Specific infrastructure requests will be taken into account in the drafting of the Regulation 123 List and the separate prioritisation of spending once the CIL starts to be collected. We will work with Network Rail in these tasks. However, the Council does want to manage expectations in that the CIL will only be a small element of the overall infrastructure funding gap and will not be able to fund all requests.</p> <p>The spending of CIL is not to be directly examined other than through consideration alongside the R123 List. However, it is</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>platform extensions.</p> <p>As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions to fund such improvements. It would be appropriate to require contributions towards rail infrastructure where they are directly required as a result of the proposed development and where the acceptability of the development depends on access to the rail network.</p> <p>Network Rail therefore requires new developers to fund any enhancements to our infrastructure required as a direct result of new development <b><i>and any policy or guidance should specifically name 'rail infrastructure'.</i></b></p> <p>The likely impact and level of improvements required will be specific to each station and each development meaning standard charges and formulae may not be appropriate. Therefore, in order to fully assess the potential impacts, and the level of developer contribution required, it is essential that a Transport Assessment is submitted in support of a planning application that this quantifies in detail the likely impacts on the rail network.</p> <p>To ensure that developer contributions can deliver appropriate improvements to the rail network we therefore request that any Policy or guidance on Developer Contributions (CIL) in the Local Plan or any Supplementary Planning Guidance includes provision for rail. The policy and/or supporting Guidance should include the following:</p> <ul style="list-style-type: none"> <li>• A requirement for developer contributions to deliver improvements to the rail network where appropriate.</li> <li>• A requirement for Transport Assessments to take</li> </ul>	<p>useful for Network Rail to have identified potential additions to the R123 and these will be taken into account.</p> <p>It may be that certain projects can be funded by the local communities from their meaningful proportion if identified as priorities.</p> <p>Other comments noted.</p>



YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>cognisance of impacts to existing rail infrastructure to allow any necessary developer contributions towards rail to be calculated.</p> <ul style="list-style-type: none"> <li>• A commitment to consult Network Rail where development may impact on the rail network and may require rail infrastructure improvements. In order to be reasonable these improvements would be restricted to a local level and would be necessary to make the development acceptable.</li> </ul> <p>IDENTIFICATION OF COUNCIL'S ASPIRATIONS FOR FURTHER RAILWAY INFRASTRUCTURE</p> <p>Network Rail acknowledges the Council's aspiration for a railway station at Elland. As one of the key stakeholders, Network Rail would welcome any further discussions in terms of the above aspirations and aims at the appropriate stages.</p> <p>LEVEL CROSSINGS</p> <p>The safety, reliability and efficiency of the rail infrastructure are of paramount importance to Network Rail and we cannot agree to any proposals which jeopardise these requirements. Level crossings are safe if used correctly. Most level crossing risk has resulted from user error or abuse. We are committed to reducing the risk at level crossings where reasonably practicable and will seek to close and/or divert crossings or enhance their safety through the provision of improved safety features or equipment. We will work with local councils to take a holistic approach to reducing level crossing risk and will encourage planning authorities to co-operate in securing level crossing closures or improvements in connection with new developments.</p> <p>We would encourage the inclusion of a policy statement</p>	

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>which makes it clear to developers that no new crossings will be permitted, that proposals which increase the use of level crossings will generally be resisted and where development would prejudice the safe use of a level crossing an alternative bridge crossing will require to be provided at the developers expense.</p> <p>Site assessments must take cognisance of the impact of development proposals on level crossings. Transport assessment and developer contributions policy and supplementary guidance must ensure infrastructure risks are identified and mitigation secured.</p>	

**Q3. Do you agree that the rates proposed represent an appropriate balance between the desirability of funding infrastructure and the need to maintain the overall viability of growth / development across the Borough?**

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
NO	PS Ryley & Co (Mr Iain Crouch)	See under Q 1	
YES	Mr Ian Stuart	Generally, yes, but only the passage of time will reveal whether an appropriate balance has been achieved.	Comment noted
YES	CMBC Housing	But still have concerns regarding brownfield sites not being able to sustain CIL payments.	Comment noted
YES	Network Rail		

**Q4. Do you agree with the different rates and charging zones for the development types proposed**

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
NO	PS Ryley & Co (Mr Iain Crouch)	(see comments under Q1)	
YES	Mr Ian Stuart		Support welcomed
YES	CMBC Housing		Support Welcomed
YES	Network Rail		Support Welcomed

### Q5. Do you think the boundaries between the different zones are appropriate?

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
NO	PS Ryley & Co (Mr Iain Crouch)	The boundaries as proposed do not take into account the fact that many areas within Zones A and C in particular have comparatively low house prices, and because of this the potential return from housing development in those areas is less, assuming the cost of development across the District (minus the cost of land) is equal. Would it not be fairer to base CIL charges on an aggregate of Council Tax levels on land surrounding each site?	The LPCVA has considered the viability of housing development within each zone, which are based on the market value zones established through the affordable housing EVA. The PDCS proposes differential rates to reflect the differences in value / viability across the District. The CIL has to be based on the evidence of economic viability. CIL is not permitted to be based on Council Tax levels/bands.
YES	Mr Ian Stuart		Support welcomed
YES	CMBC Housing		Support welcomed
NO	CMBC Housing	There ought to be consistency with the 9 Local Plan areas	The LPCVA aligns itself with the market value geographies / housing areas, which have been used as the basis for analysis for producing key sources of evidence including the Affordable Housing EVA and the SHMA 2015 update. This was to ensure consistency with the existing evidence base but also to ensure that CIL would not undermine the delivery of affordable housing targets.
YES	Network Rail		

## Q6. Do you support the draft instalments policy?

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
YES	PS Ryley & Co (Mr Iain Crouch)		Support welcomed
Yes	<b>Strata Homes</b>	<p><i>Instalments Policy</i></p> <p>Our client supports the Council's proposal for an Instalments Policy in recognition of the substantial upfront costs that may be experienced on large scale development sites, in particular where there are long lead-in times for site remediation and provision of particular pieces of infrastructure in advance of bringing forward the proposed land use and realisation of any increases in land value. Strata question the appropriateness of the stages specified and objects to the fixing of these specific phases in advance of the publication of any evidence base or justification as to why these timeframes are considered acceptable.</p>	<p>Support welcomed</p> <p>The CIL regulations allow for the setting of phased payments based on time periods measured from commencement of development and as proportions of the total charge liable for the particular development. Instalments cannot be linked to completions or stages of development or the type and size of development, although large developments may be formally split into distinct phases so that each phase is considered as a separate development for the purpose of CIL payments. However the instalments policy is discretionary and the Council is not required to consult on the Instalments policy. Regulation 69B of the Regulations set out the specific criteria that must be followed. In setting the policy the council have been mindful of the impact on development but also the need to secure enough up front funding to allow infrastructure delivery, especially for local communities and the need for there to be an incentive for new development. Where the Council is willing to accept it, a planning application can be subdivided into 'phases' for the purposes of the levy. This is expected to be especially useful for large scale, locally planned development, which is an essential element of increasing housing supply.</p> <p>The Council accept that large scale developments which are delivered over a number of years face particular issues in relation to cashflow and the delivery of on-site infrastructure. The regulations allow for both detailed and outline permissions (and therefore 'hybrid' permissions as well) to be treated as phased developments for the purposes of the levy. This means that each phase would be a separate chargeable development and therefore liable for payment in line with any instalment policy that may be in</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
			force. The principle of phased delivery must be apparent from the planning permission. The Council will work with developers to allow such developments to be delivered in phases.
YES	Mr Ian Stuart		Support welcomed
YES	CMBC Housing		Support welcomed
YES	Network Rail		Support welcomed

## Q7. Do you support the Council adopting an exceptional circumstances policy

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
YES	PS Ryley & Co (Mr Iain Crouch)		Support welcomed
YES	<b>Strata Homes</b>	<p>Strata support the Council's proposal to introduce an Exceptional Circumstances Policy to avoid rendering sites with specific and exceptional cost burdens, unviable. However, the Council's PDCS and associated Policies fail to recognise that the Council have found that it is unviable to charge CiL on brownfield sites and that <i>'CiL would further compound the viability challenges associated with Brownfield sites'</i>. The PDCS should be amended to reflect the fact that CiL is unviable on brownfield sites.</p> <p>The Council have acknowledged that their target for developing previously developed land as set out in their draft Local Plan is in itself ambitious. Their ability to realise this target will be further undermined whilst there remains concern over the viability of CiL in these locations. Within this context the Exceptional Circumstances Policy appears to be overly relied upon and as a means by which to test and verify the viability of particular categories of development rather than the exceptional cases relating to specific sites for which the Policy is intended (NPPG paragraph 129). As stated under National Planning Policy Guidance, any Exceptional Circumstances relief needs to be <i>'based upon an objective assessment of economic viability'</i> on a scheme by scheme basis and cannot be relied upon to deal with fundamental concerns on the viability of CiL across a particular area land use category.</p> <p><b>c) Summary</b></p>	<p>Support welcomed</p> <p>The Council accept that there are a number of potential physical constraints, when developing brownfield sites that could lead to abnormal costs for developers. Such issues are site specific and can vary enormously; therefore it is difficult to accurately assess the viability of Brownfield development in area wide assessments such as the LPCVA. The cost data applied within the LPCVA is based on guidance published by the Homes and Communities (HCA Remediation Cost Guidance 2015), which provides indicative costs for contamination and site preparation. In total the LPCVA modelled costs ranging from circa £780,000 per ha for small sites up to £475,000 per the for large sites. The LPCVA assumed that all sites would be contaminated and require significant site preparation in advance of their development.</p> <p>The LPCVA demonstrated that when sites were not contaminated and affordable housing was excluded the development of brownfield land for housing was viable in the Very Hot and Hot Market value areas generating average land values of £210,000 per acre in the very hot area and £143,000 per acre in the hot value area. The SHLAA identifies that around 37% of the brownfield land is located within these areas.</p> <p>When site preparation costs are reduced to 50% (down from £390,000 per ha to £195,000 per ha) and remediation of contamination is excluded then development is viable in all but the cold market value areas even with affordable housing as per the</p>

YES/NO	Respondent	Comment	Considered Response to PDCS Comments
		<p>In summary of our representations and recommendations on the Council's PDCS and associated policies:</p> <p>(i) The publication and consultation on the draft Regulation 123 List is premature, being undertaken in advance of the Council setting their spatial strategy and concluding what infrastructure is required over the Plan Period. Strata reserve the right to comment on the draft Regulation 123 List once this information becomes available and a completed List is published.</p> <p>(ii) It is inferred within the draft Regulation 123 List that all 'large scale residential development' sites will be considered for onsite school provision whether there is a need for this or not. This requires clarification in the draft Regulation 123 List and once a conclusion has been reached on the need for new school provision within the Borough.</p> <p>(iii) Strata support the inclusion of an Instalments Policy albeit request recognition be given within the Policy wording or in a separate Phased Payments Policy to the ability to pay by instalments on a phased basis.</p> <p>(iv) The draft PDCS should provide an exemption for brownfield sites on the basis that CiL would further compound the viability challenges associated with their development.</p>	<p>requirements stipulated in Policy TP7. This exercise demonstrated that brownfield land values average £140,000per acre in the very hot market areas, £108,000per acre in the hot market value areas and £56,000per acre in the medium value areas.</p> <p>Assuming no contamination and a reduced cost for site preparation combined with no requirement for affordable housing but including CIL at the rates specified in the PDCS the development of Brownfield land for housing is viable in all areas generating average land values of £241,000 per acre in the very hot market area, £176,000 per acre in the hot value area, £98,000 per acre in the medium value area and £53,000 per acre in the cold value area.</p> <p>The development of Brownfield land is, therefore, viable and able to sustain CIL but it is accepted that viability will be influenced by the extent of the abnormal costs. However, it is accepted that some brownfield sites will not be able to sustain the CIL charges proposed. This fact is recognised in the Guidance. In these circumstances the Council will work with developers to consider flexibility in relation to other planning obligations. In addition the Government has also recently undertaken a range of initiatives to support brownfield development including introducing a £1 billion "brownfield fund" to help cover site remediation costs. The introduction of permission in principle and a brownfield register to identify sites which are suitable for new housing development, as proposed in the Housing and Planning Bill, is also intended to expedite the granting of planning permission on brownfield sites.</p> <p>The Council has also had a target for the use of brownfield land since 2006 and in all subsequent years has exceeded the current target (55%). Therefore, whilst this technical assessment may suggest that Brownfield development is unviable the Council has physical evidence of delivery, which supports their interim target of 55%. This is real life evidence to balance against the EVS which is necessarily more hypothetical and strategic in approach.</p>



YES/NO	Respondent	Comment	Considered Response to PDCS Comments
			<p>The exceptional circumstances policy is being offered to avoid rendering sites with specific and exceptional cost burdens unviable should exceptional circumstances arise. It is a mechanism to enable growth and deliver development where CIL and S106 conflict. Regulation 55(3) of the Regulations set out the specific criteria that must be followed.</p> <p>The Regulations do not permit differential rates for Brownfield sites.</p>
YES	Mr Ian Stuart		Support Welcomed
YES	Sport England (Richard Fordham)		Support Welcomed
YES	Ripponden Parish Council	The Parish Council would like to be consulted when the exceptions policy is being considered for use.	Support Welcomed and comment noted.
YES	Historic England (Mr Ian Smith)	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 at risk.	Exceptional circumstances relief will only be offered in exceptional circumstances.
YES	Network Rail		Support welcomed

