
Part A – Personal details

1. Are you responding as: (please tick one box)

☐

An individual

☒

A business or organisation

☐

An agent

2. Your name, postal address and email (where applicable) are required for your comments to be considered.

	Personal Details	Agent Details (if applicable)
Title	<input type="text" value="Mr"/>	<input type="text"/>
Full Name	<input type="text" value="Peter Dowling"/>	<input type="text"/>
Organisation (if relevant)	<input type="text" value="The Ptarmigan Group"/>	<input type="text"/>
Job Title (if relevant)	<input type="text" value="Senior Development Manager"/>	<input type="text"/>
Address Line 1	<input type="text" value="2 Frederic Mews"/>	<input type="text"/>
Address Line 2	<input type="text"/>	<input type="text"/>
Address Line 3	<input type="text"/>	<input type="text"/>
Postal Town	<input type="text" value="London"/>	<input type="text"/>
Postcode	<input type="text" value="SW1X 8EQ"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
Email Address	<input type="text" value="REDACTED"/>	<input type="text"/>

Part B – Your comments

Comments on the Community Infrastructure Levy (CIL) Draft Charging Schedule and its associated Evidence Documents

Please indicate which of the following documents you wish to comment on by ticking one box below. (If you wish to comment on more than one document and/or on more than one part of a document, please complete a separate form for each response.)	
Draft Charging Schedule, January 2021	X
CIL Viability Assessment, April 2019	
CIL Viability Assessment Addendum, August 2020	X
CIL Viability Assessment Executive Summary, October 2020	X
Infrastructure Funding Gap Statement, January 2021	
Page/Paragraph Number (please specify where relevant)	

3. **YOUR COMMENTS** (If you would like to see a document amended in any way, it would be helpful if you could explain what changes you are seeking):

Please see accompany letter of representation.

You may also submit any supporting documents alongside your comments - please attach to this comment form.

Participation at the Independent Examination of the Community Infrastructure Levy (CIL) Draft Charging Schedule

4. In accordance with Regulation 21 of the Community Infrastructure Levy Regulations 2010, please indicate (by ticking the box below) whether you wish to be heard by the independent Examiner at the Examination of the Council's Draft Charging Schedule.

☐ Yes, I wish to be heard by the independent Examiner at the Examination

Further Notification on Progress with the Examination of the Community Infrastructure Levy (CIL) Draft Charging Schedule

5. In accordance with Regulation 16 of the Community Infrastructure Levy Regulations 2010, please indicate (by ticking the relevant box below) whether you wish to be notified by the Council that:

- ☒ The Draft Charging Schedule has been submitted to the Examiner
- ☒ The recommendations of the Examiner (and the reasons for those recommendations) have been published
- ☒ The Charging Schedule has been approved by the Vale of White Horse District Council

THANK YOU FOR YOUR RESPONSE.

How to submit your comments:

Please return this form to us, either by:

- email to planning.policy@whitehorsedc.gov.uk (with Vale CIL Consultation in the subject line); or
- by post to 'Freepost SOUTH AND VALE CONSULTATIONS' (no other address information or stamp is needed).

Please note the deadline for submission of comments is **midnight on Monday 8 February 2021.**



PTARMIGAN GROUP

**2 Frederic Mews,
London SW1X 8EQ**



Vale of White Horse District Council
135 Eastern Avenue
Milton Park
Abingdon
OX14 4SB

8th February 2021

Dear Sir / Madam

Vale of White Horse District Council: Community Infrastructure Levy Draft Charging Schedule

We, the Ptarmigan Group, write in response to the Vale of White Horse (VoWH) District Council's Community Infrastructure Levy Draft Charging Schedule, which is currently out for public consultation. In addition, this response addresses the associated evidence base documents which are intended to underpin the Charging Schedule, most notably the various Viability Assessments prepared on behalf of VoWH by Aspinall Verdi.

As you may be aware, we submitted the site known as 'Land East of Radley' into VoWH's Local Plan 2041 'Call for Sites' consultation in May 2020 and we would welcome the opportunity to discuss our proposals for this site with officers separately through the Local Plan process.

Given our ongoing interests in the VoWH, we have a keen interest in VoWH's Community Infrastructure Levy (CIL) Charging Schedule and the implications this has on development aspirations within the District.

Having reviewed the draft Charging Schedule, we are concerned by the proposal to increase the levy for 'major' development (defined as 10 units and above) within the 'eastern parishes' zone from an original rate of £120/sqm to a rate of £280/sqm. This is a significant increase and one which we don't feel is justified by the supporting evidence base at this time. In particular, we outline our concerns with the proposed approach below, which primarily relate to the viability of the proposed changes and the lack of consistency between the emerging Local Plan 2041 and this revised CIL Charging Schedule.

Relationship with the Local Plan Process

The Government published its updated guidance on Viability and the Community Infrastructure Levy in 2019 as part of Planning Practice Guidance (PPG). The key changes to the guidance on Viability emphasise the need to ensure that Local Plans consider the cumulative effects of all standards and obligations including Section 106 and CIL.

It states:

“..charging schedules and relevant plans should inform and be generally consistent with each other” (Paragraph: 012 Reference ID: 25-012-20190901)

Furthermore, the PPG advises that:

“When deciding the levy rates, an authority must strike an appropriate balance between additional investment to support development and the potential effect on the viability of developments.” (Paragraph: 010 Reference ID: 25-010-20190901)

The national policy direction is very much towards facilitating development. This policy imperative should have a major material bearing on the CIL rates. This applies to the evidence to support the balance reached between the desirability of funding infrastructure through CIL and the potential effects on economic viability of development across that area.

VoWH has commenced preparation of its Local Plan to 2041, and this has included a ‘Call for Sites’ consultation in 2020. However, it is not clear how the preparation of this draft Charging Schedule relates to the plan-making process, particularly in respect of how VoWH is seeking to integrate its infrastructure planning into the preparation of the Local Plan 2041 process. Indeed, it appears that the emerging Charging Schedule and Local Plan are not informing each other.

To accord with the PPG, we strongly recommend that the preparation of the CIL Charging Schedule should progress in parallel with the Local Plan 2041 such that the Charging Schedule reflects the obligations of the emerging Local Plan and hence, there is consistency as advocated by the guidance. This will also allow for a more robust approach in terms of testing viability and supporting development that will be promoted through the forthcoming Local Plan.

Impact of Covid-19

Related to the above, it is well understood that the UK is in the midst of an unprecedented global pandemic, which is severely affecting financial markets and the UK housing industry, and which will have long-term continuing impacts.

This is a live issue, which is constantly evolving and will take some time to rebalance. It is clear that the Government sees the housing market and construction industry as key planks to the recovery and is seeking to support this as much as possible. As such, we question the general principle of any attempt to seek to increase obligations on developers at such a delicate time.

Moreover, we strongly believe that a higher degree of caution should be applied in viability assessments, and a greater level of pragmatism than would normally be the case is appropriate. Within this context, we have strong concerns regarding the validity of the viability evidence in light of a material alteration in economic and property market circumstances. For example, the residential value assumptions are drawn from data collected in April 2019 and March 2020. This is prior to the pandemic, which draws into the question whether this data is effective to use as a basis for CIL going forward. To deliver certainty, and acknowledge the current unique circumstances, we suggest that the Council delays its schedule for the continued preparation of the Charging Schedule until the implications of the current situation on the housing market are better understood.

Viability Evidence Base

The Planning Practice Guidance (PPG) is clear that *“viability assessments should be proportionate, simple, transparent and publicly available...”* (Paragraph: 019 Reference ID: 25-019-20190901)

In addition:

“A charging authority must use ‘appropriate available evidence’ (as defined in the section 211(7A) of the Planning Act 2008) to inform the preparation of their draft charging schedule.”

(Paragraph: 020 Reference ID: 25-020-20190901)

VoWH has published a series of CIL Viability Assessments that have been prepared by Aspinall Verdi between 2019 and 2020. This is intended to provide the context for judging the impact of CIL and other obligations on development and in striking the right ‘balance’ to ensure that the delivery of the sites and scale of development in the plan are not put at risk.

We have concerns regarding some of the assumptions used within the Assessment. We feel these need to be addressed before the Charging Schedule is progressed further as they could, in combination, have significant impacts on the assessment of viability, particularly in respect of sites within the ‘Eastern Parishes’ zone. These concerns include:

1. The assessment appears to assume a net to gross ratio of 100% across all sites, which is unrealistic. Development sites are rarely developed at 100% net to gross ratios largely due to public open space and other infrastructure requirements. This is relevant to all sites and can have a substantial impact on viability.
2. The appraisals of the residential site typologies do not appear to allow for abnormal costs. It is essential that some buffer is allowed to ensure that viability testing results and conclusions/recommendations are not presented at levels that risk rendering development sites unviable when subject to the introduction of abnormal works costs.
3. We consider that the level of contingency should be increased to 5% to provide a more robust assessment of viability. This should be applied to take account of unforeseen increases in building costs. Given the modelling to support CIL is high level, a contingency is considered even more necessary given the lower level of accuracy compared to viability testing for specific schemes.
4. We consider that it is more appropriate to increase professional fees to 10%. This is a fairly standard assumption in this process, and would be more robust at this less specific stage.
5. It does not appear that allowance has been made for the costs of constructing garages, which would represent an oversight. The GIA of garages (including external) will form part of the CIL liable floorspace, which must be accounted for within viability testing.
6. Given the ever-changing and increasingly rigorous nature of the requirements in respect of sustainability, we consider that the costs for Future Homes and sustainability measures should be carefully reviewed prior to the next stage in the preparation of the Charging Schedule. In particular, the analysis of sustainability uplift costs should be more considered, to assess the technical, economic and regulatory issues and risks, which then needs to be tested through viability modelling.

We trust that the above comments will be taken into consideration in the further preparation of the draft Charging Schedule. We look forward to hearing from you.

Your sincerely

Peter Dowling
Ptarmigan Land