
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="Richard Tamplin"/>	<input type="text"/>
Organisation (if relevant)	<input type="text" value="Friends of Abingdon Civic Society"/>	<input type="text"/>
Job Title (if relevant)	<input type="text"/>	<input type="text"/>
Address Line 1	<div></div>	<input type="text"/>
Address Line 2		<input type="text"/>
Address Line 3		<input type="text"/>
Postal Town		<input type="text"/>
Postcode		<input type="text"/>
Telephone Number		<input type="text"/>
Email Address		<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	All
CIL Viability Assessment, April 2019	All
CIL Viability Assessment Addendum, August 2020	All
CIL Viability Assessment Executive Summary, October 2020	All
Infrastructure Funding Gap Statement, January 2021	All
Page/Paragraph Number (please specify where relevant)	NA

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):

As per attached document containing the Civic Society's representations

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.**

Proposed Changes to the Adopted CIL Charging Schedule in Vale of White Horse District

Representations by the Friends of Abingdon Civic Society

The Society

The Friends of Abingdon Civic Society (“the Civic Society”) has around 400 members and was founded in the 1940s to protect the heritage of this historic town. When the present Vale of White Horse District Council was formed in 1974, it based its Headquarters in Abingdon, the largest settlement in the District and Abingdon remains the largest town in the Vale. The Council moved its Head Offices to Milton Park on the western edge of Didcot in 2015, which it shares with the South Oxfordshire District Council. These two authorities provide shared services to the combined area but each is separate for administrative purposes, and this includes responsibility for levying CIL and Section 106 charges on development within their respective areas.

Background to the Consultation

The Consultation by the Vale comprises four sets of documents:

- the Draft CIL Charging Schedule
- the Viability Assessment supporting the proposed charges
- an Infrastructure Funding Analysis demonstrating why changes to the current levy are necessary, and
- a Draft Revised Supplementary Planning Document (SPD) which proposes to vary the rates charged when sites are subject to a requirement for S106 contributions

The first of these three documents relates to the proposed CIL charging changes but the last is solely concerned with proposed changes to S106 requirements. In terms of the evidence base supporting the consultation conclusions, the most relevant and interesting document for the Civic Society is the Infrastructure Funding Analysis which shows the current position at 31 March 2020 and the whole rationale underlying the proposals. It demonstrates that there is a very substantial gap in the funding of infrastructure required to support planned new development in the area. This means that full account has to be taken of the proposals in the adopted Local Plan 2031 and other “relevant plans”, including all other known and reasonably foreseeable commitments and funding which relates to infrastructure. The Civic Society believes this document shows that:

1. The proposed increased CIL charges for residential development in the District are too conservative and the evidence clearly demonstrates that higher charges could be levied without making development unviable.
2. The proposed subdivision of the District for CIL charging purposes fails to recognise and take account of considerable variations in geography, development costs and probable sales returns across the District and also similar differences within each subdivision.

3. The failure to address these differences will particularly affect Abingdon as the largest settlement in the District and is most affected by the market distortions created by the housing situation in Oxford City, so that a more detailed analysis of this situation is required before any changes to the CIL schedule are adopted.
4. In particular, the Civic Society is extremely concerned at the District Council's announcement that funds raised through CIL and S106 charges "could also potentially be used across the district boundaries in the Didcot Garden Town area to pay for new infrastructure" (District Council website, 11 January 2021). This means that, despite the substantial infrastructure funding gap identified in the Infrastructure Funding Analysis within the Vale area, the Council is proposing to increase this gap by exporting receipts from development in its area to a separate charging authority (South Oxfordshire District Council) to fund infrastructure there. This is wholly unjust and unacceptable, given the substantial Vale funding gap and also on the basis of the long-established principle of "no taxation without representation."

The Existing CIL Charges in the Vale

In November 2017 the Vale first adopted a CIL Charging Schedule which it then applied to new development within its area. This was set at a zero rate for the whole District with three exceptions:

- (1) new supermarkets and retail warehousing pay £100/m² of gross internal floorspace across the District
- (2) new residential development (including student accommodation and care homes) across almost the entire District pays £120/m², and
- (3) in southern Faringdon, western and northern Grove, and most of Wantage, new residential development pays £85/m².

These charges have been uprated in line with inflation and are now £140/m² for category (2), £99/m² for category (3) and no change for category (1).

The Evidence Base for the Proposed Changes

The Infrastructure Funding Analysis document shows that the Local Plan Part 1 (adopted in 2016) set out a District Housing Requirement of 20,560 new homes by 2031, but Part 2, adopted in 2019, increased this figure to 22,760. This was due to the need to contribute to the unmet demand in Oxford City, under the Local Plan Duty to Co-operate.

The estimated supply of housing consists of:

Completions April 2011 (the start date for the Local Plan) to March 2018	9,112
Known Commitments (such as the North Abingdon development permission)	13,914

Local Plan Part 1 Allocations	1,117 ¹
Local Plan Part 2 Additional Allocations	2,400 ²
Windfalls (“unknown” sites not formally identified)	800
Total Housing Supply at 31/3/2020	27,343³

Infrastructure Funding Gap

In order to identify whether a funding gap exists the starting point is to establish the total cost of infrastructure required across the District to support planned growth up to 2031.⁴ The sources for this exercise are the Infrastructure Delivery Plans (IDPs) within Parts 1 and 2 of the Local Plan 2031, as adopted in December 2016 and October 2019, respectively. The IDPs show every identified housing site proposed in the Local Plan together with the detailed infrastructure required to support each site and its costs.

The IDPs also set out whether there are reasonable alternative funding sources, including where S106 contributions from site developers, which could be directly related to the proposed development, would be appropriate. There are also sub-regional and national funding sources which support strategic infrastructure delivery costs, including:

- the Housing Infrastructure Fund where “£218mn has been secured towards infrastructure around Didcot”
- the Oxfordshire Housing and Growth Deal – “£215mn secured countywide for infrastructure in Oxfordshire which will help accelerate the delivery of housing”
- the Local Growth Fund which “secured £108mn for infrastructure in Oxfordshire
- The City Deal where “£55mn was secured with a focus on access improvements across the Science Vale area”.

The Infrastructure Funding Analysis then estimates the funding gap under six headings, with the estimated funding gap shown for each, with sub-totals for those which are costs allocated in the Local Plan Part 2 and those for strategic costs. Only infrastructure requirements where the project is specific to the Vale and is required to support further development of the District, rather than address existing capacity issues, are included.

The results are tabulated as follows.

¹ These additional allocations were included as a result of changes to “relevant plans” which led to their inclusion as Additional Sites identified in Part 2 of the Local Plan, Chapter 2.

² As above.

³ This means there is already a net surplus of almost 4,600 dwellings built, committed or expected 10 years before the end of the Plan period.

⁴ This is almost verbatim from the Infrastructure Funding Analysis paper, p4, para 3.1.

Development Plan Allocations	Cost	Other Income Sources	Estimated Funding Gap
Education	£78.0mn	£78.0mn	£0
Transport	£75.2mn	£75.2mn	£0
Leisure	£27.3mn	£26.0mn	£1.3mn
Other ⁵	£9.6mn	£9.3mn	£0.3mn
<i>Sub-total</i>	<i>£190.2mn</i>	<i>£188.6mn</i>	<i>£1.6mn</i>
Strategic Infrastructure			
Highways	£487.2mn	£204.2mn	£283mn
Rail	£665.0mn	£665.0mn	£0
<i>Sub-total</i>	<i>£1,152.2mn</i>	<i>£869.2mn</i>	<i>£283.0mn</i>
Total	£1,342.3mn	£1,057.7mn	£284.6mn

The final element of this Analysis sets out the estimated receipts from CIL. This figure depends on the outcome of the Viability Assessment document which was prepared by consultants in late 2019 and updated in late 2020.

The Viability Assessment concluded that there was evidence in terms of varying house prices and build costs across the Vale to recommend that the District should be divided into two CIL Charging Zones, roughly east and west of the A34. The Eastern Zone would cover Abingdon, Cumnor, Wytham, North and South Hinksey, Kennington, Wootton, Sunningwell, Radley, Drayton, Sutton Courtenay, Appleford, Milton, Harwell, Chilton, Upton and Blewbury. The Western Zone would comprise all the remaining parishes in the District.

The Viability Assessment also concluded that all types of residential development across the District could support a much higher charging rate than the 2017 rates (by between £70 and £530⁶ per square metre (psm) in the Western Zone and between £270 and 570⁷ psm in the Eastern Zone) without prejudicing viability⁸.

However, the Analysis concluded that other types of development would not be viable with any significant increase in their CIL rate charge.

The Proposed CIL Charges

In the light of the above, the consultants recommended that the revised CIL charges for the Vale should be as follows:-

⁵ Public art, flood defences, etc.

⁶ No higher figures assessed.

⁷ No higher figures assessed.

⁸ Summary Report of Viability Assessment, October 2020, para 9.2.

Residential Development including Student Accommodation and Care Homes

In Wantage, Faringdon and Grove: £100/m² for sites of 10+ units and £160/m² for smaller sites.

Rest of the Western District: £200/m² for sites of 10+ units and £260/m² for smaller sites.

East of the A34 (including Abingdon): £280/m² for sites of 10+ units and £340/m² for smaller sites.

Strategic Sites (including Dalton Barracks): £Nil because these all require S106 undertakings.

Purpose Built Student Accommodation and Care Homes: To remain at the current rates.

Retail Development

Supermarkets, Retail Warehouses and High Street Retail: to remain at the current rates due to insufficient local information.

Commercial Development

Offices and Industrial: to remain at the current rates because costs and returns have kept pace with each other since 2014.

Estimated CIL Receipts

Returning to the Infrastructure Funding Analysis, this shows that the above figures would result in a projected CIL income across the whole District of £30.9 million. It is based on assumptions that between now (December 2020) and the end of the Plan period in 2031 about 1,240 dwellings would be built, of which some 155 units would comprise affordable housing (which is not CIL chargeable), each of which would have an average floor area of about 103 sqm.

Given the total funding gap of £284.6mn as shown above, and allowing for CIL receipts collected to date of £2.2mn, this would reduce the funding gap for the District to some £251.5mn. The consultants' conclusion is that that "The scale of the remaining funding gap clearly demonstrates the justification for the [proposed] CIL charge".

As the Conclusions paragraphs of the Funding Analysis say, "There will still remain a shortfall in funding that will need to be found from other sources eg the Council's capital programme or Government grants, whose funding has yet to be determined". The Analysis then adds that, "The Council will proactively seek additional funding opportunities where they become available with the aim of reducing the funding gap".

The Civic Society's Concerns

1. The Current Position

CIL is required to be based on the effects of an Adopted Local Plan and other "relevant plans". Local Plans are "front-loaded", that is, they are expected to bring forward most

of the development allocated over the plan period (in the case of the Vale to 2031) in the early years of that period.

This has happened, whether by accident or design, around Abingdon with the two Strategic Sites north of Abingdon receiving either outline permission (North Abingdon for 900 dwellings in 2017) or Outline and Reserved Matters Approval (North West Abingdon for 200 dwellings in 2018 and 2020). This progress continues with the recent commencement of development on the North West site and submission of an application for approval of reserved matters on the North site. Of these, the North site pays no CIL because it was permitted days before the Vale first introduced CIL charges, but the North West site is liable for CIL at the existing rate. However, each site is subject to a S106 undertaking requiring contributions towards community infrastructure.

If and when the remaining Strategic Sites⁹ near Abingdon are granted planning permission, they will also not be liable for CIL because of their Strategic Site status, but S106 contributions will be sought.

However, the position for smaller sites in and around Abingdon (10 dwellings or less) is very different. Once the proposed revised CIL charges come into force, these small sites will be required to pay the higher rate for the Eastern Parishes of £340/m² for all net new floorspace. Hence, we are likely to see fewer such sites brought forward by developers, mainly small builders. This may well be the reason why we have seen a significant number of small schemes in the town within the past year or so (in Ock Street for example), to “beat the (revised) charge”.

Representation: Given the identified discrepancy between the rural areas and Abingdon in terms of build costs and selling prices, the discrepancy between the proposed CIL exemption for the Strategic Sites, and bearing in mind the need for sustainable development, the higher charges for smaller sites in and around Abingdon should be reduced.

2. The Charging Rate Subdivision into East and West Zones

The purpose of having different charging rate Zones is threefold. Firstly, as with all CIL charges, it helps to pay for the costs of the infrastructure that results from new development, secondly, it reflects the differing costs of developing in different areas, and thirdly, it may be used either as a way of encouraging more development through a lower charge in some locations where this is considered desirable, or by choking off pressure for new development in areas where development is felt to be less desirable by using a higher rate. A viability assessment is used to ensure that a charge will enable all these things to occur without making it unviable for a willing landowner to sell land and a prospective developer to be reasonably sure of a reasonable return on their acquisition, development and marketing costs.

⁹ The enlarged Dalton Barracks site (1,200 dwellings) and east of Kingston Bagpuize (600 dwellings).

However, the Viability Assessment for the Vale identified that, for almost all types of residential development, and assuming a provision of, or contribution to, 35% affordable housing for each site as per the Local Plan requirement, there would be considerable “headroom” for an increase in the charges across the entire District. The increased charging amount, which it was estimated could be accommodated without the development becoming unviable, varied from around £70/m² for sites of 10+ dwellings in the villages in the Western Zone, to at least £530/m² for sites of less than 10 dwellings in the Eastern Zone, far greater than any of the increases actually proposed.

Of course, the problem with CIL, as opposed to S106 contributions, is that although S106 relates to specific sites, CIL is based on average costs and returns across areas, and no two sites will be the same in terms of development costs and sales returns. But given the very conservative increases proposed, there will undoubtedly be a considerable loss of potential infrastructure contributions on sites in the Eastern Zone. Here there is considerable anecdotal evidence and common sense which suggest that anticipated sales income is likely to be much higher than the average across the Vale because the proximity of Oxford and its housing demand will influence higher sales returns.

Representation: That a higher CIL charge for residential development in the Eastern Zone, especially on sites of more than 10 dwellings, is warranted.

3. Charging Rates Within the Eastern Zone

As noted above, the Viability Assessment for the Vale identified that, for almost all types of residential development, and assuming a provision of, or contribution to, 35% affordable housing for each site as per the Local Plan requirement, there would be considerable “headroom” for an increase in the charges across the entire District.

The essence of CIL, as opposed to S106 contributions, is that, whereas S106 applies to individual sites, CIL is based on average costs and returns across entire Districts or Zones within those Districts. Yet no two sites will be the precisely the same in terms of development costs and sales returns. But in the Vale, given the very conservative increases proposed, there will undoubtedly be a considerable loss of potential infrastructure contributions on sites in the Eastern Zone.

In Abingdon and some of the nearby settlements, especially those close to Didcot, there is considerable anecdotal evidence and common sense which together suggest that anticipated sales income is likely to be much higher than the average across the Vale, due to good communications using the A34 Trunk Road and the mainline station at Didcot, and perhaps most of all, because of the proximity of Oxford and its very large but constrained housing demand, all influencing higher sales returns.

Representation: That a higher CIL charge for residential development in the Eastern Zone, especially on sites of more than 10 dwellings, is warranted.

4. Identification of Charging Sub-Areas

Because Abingdon is not separately identified as a different charging Zone, it finds itself included with a number of rural parishes where very different circumstances apply to both development costs and sales returns, and hence create different levels of viability for new development. Unfortunately, the Viability Assessment says there is insufficient evidence of these variations from the market for new housing in Abingdon, but the evidence from the “second-hand” housing market shows that prices are lower in the villages in the Eastern Parishes than in Abingdon (by around £1000/m²).

Nevertheless, the proximity of Oxford City, the size of Abingdon and its strong employment base, and the fact that the Local Plan has had to make allowance for substantial additional housing demand which cannot be accommodated within Oxford, suggest strongly that Abingdon should be treated differently to the other Eastern Parishes and have its own charging rates for housing development, as do Wantage, Grove and Faringdon in the Western Zone. This conclusion reinforces the point made in (3) above.

Representation: That CIL charges in Abingdon be re-analysed on the basis of its proximity to Oxford, its strong and substantial employment base, and the already permitted Local Plan allocation of two Strategic Sites which all suggest that it justifies being in a separate category for residential development than the rest of the Eastern Zone.

5. Housing Land Allocations and Supply

CIL charges are required to be based on the development plan and its allocations plus proposals in “relevant plans”. In the Vale (and generally elsewhere) residential allocations are by far the most significant in terms of planning and infrastructure cost implications. This means that it is vital that these land allocations are clear, understandable and accessible to the public who are being consulted in this exercise.

In theory this should be the case following the adoption of the Local Plan Part 2 in October 2019 which completed that exercise in planning for the Vale. The anticipated housing demand or “requirement” is set out and all the figures have been critically assessed through two separate examinations in public by two different Inspectors in a situation where all objections have been considered. The conclusions of the Inspectors have led to changes being recommended by them (for example, deletion of 1,400 dwellings forming most of the Harwell village residential development in the Part 1 Plan, and the inclusion of the enlarged Dalton Barracks development of 1,200 dwellings as a Strategic Site in Part 2) and those have been accepted and contained in the final adopted Local Plan. All this is as it should be – even if we do not necessarily agree with the outcome.

But in practice the Vale is in a different place as this CIL/S106 consultation shows. The Local Plan housing **requirement** to the end of the Local Plan period ending March 2031 was 22,760 dwellings. But at 31 March 2020 (the most up to date figure available at

December 2020) the housing **supply**, including the extra 2,200 dwellings needed to meet the Vale's share of the unmet demand from Oxford City which was added in the Part 2 Plan, was about 27,300 dwellings. This is an excess supply of around 4,500 dwellings. In short, it means that if no more housing permissions are granted between now and 2031, the Vale would have more than sufficient housing to meet its planned housing requirement of 22,760 dwellings.

Perhaps more importantly, the Infrastructure Funding Analysis shows that on this basis of meeting the **planned** housing requirement and the revised CIL charges raised to meet the cost of infrastructure needed to support that amount of development, the CIL charge proposed would still leave a funding gap of over £250 million for the Council to find. Yet the CIL Viability Assessment says clearly that housing development across the Eastern Zone of the Vale could easily support much higher charges without compromising the viability of that development.

Representation: That a much more transparent and cogently argued analysis of the housing proposals in the development plan and other "relevant plans", and their relationship to the necessary related infrastructure, is undertaken. Once carried out, this exercise should then relate its findings to the viability of increasing the proposed CIL charges (including variations by sub-areas and the planning considerations underlying the development plan). The conclusions of these exercises should then be made available to the public before any changes are made to the CIL charges for the District.

6. Planned and Unplanned Development

One of the policies in the Local Plan Part 2, which was added late in the process, is 16b, Didcot Garden Town. The designation of Didcot as a "Garden Town" was announced in December 2015, too late to be included in the Local Plan Part 1. The legal basis of Garden Town designation is unclear, but appears to be that, once it is announced by the Secretary of State for Housing, Communities and Local Government, this is sufficient to bring it into existence. By the same process, councils in the areas affected are then required to plan for implementation of the concept and given a large sum of money towards doing so. In the case of Didcot, the "Masterplan Area" spreads across both the Vale and South Oxfordshire Districts, with most of it lying in the Vale but with the town centre in South Oxfordshire.

The Government's Housing White Paper was published in mid-2017. In a related Press Release in August that year, Ministers said that Didcot Garden Town would be expected to grow by 15,000 dwellings by 2031. They also said that funding of £6.2mn had been given, some of which would contribute to the proposed Didcot Perimeter Road. But beyond this, the information about the Garden Town in Local Plan Part 2 Policy 16b contains no more than seven of what it terms "high level master planning principles to guide development in the designated area"¹⁰ and nothing more. Unlike the other

¹⁰ Adopted Local Plan 2031, Part 2, para 2.8.

Additional Sites proposed for housing in the Abingdon and Oxford Fringe¹¹ and Western Vale¹² Sub-Areas in the Local Plan Part 2, no estimates are provided for the Vale's share of the announced 15,000 new dwellings in Didcot Garden Town by 2031.

The Local Plan Part 1 allocated land within the Vale at Didcot for housing at four Strategic Sites. But together these totals amount to only 3,950 dwellings¹³, or about a quarter of the proposed Garden Town addition in the Government announcements. Given the extent and location of the designated area, it is scarcely credible that no more will be built in the Vale's part of the Garden Town before 2031. Moreover, the Local Plan says that the designated boundaries are not development limits and that expansion may occur beyond them, with the vague promise that gaps between settlements in that area will be protected through other policies. It must also be borne in mind that the Proposed CIL charges do NOT apply to any of the Strategic Sites in either Part 1 or Part 2 of the Local Plan.

Hence the shortfall in Infrastructure funding of about £250 million predicted in the CIL Charging Schedule will not be financed by any Strategic Site. Those will be subject to S106 Agreements/Undertakings, as the Local Plan explains, but these can be negotiated on a site by site basis and are subject to rights of appeal, initially against any Agreement or Undertaking the developer does not like, and after 5 years by appeal to vary or completely discharge any requirements of the Agreement/Undertaking which remain.

Where all this will leave the prospect of the Council finding additional funds to pay for the shortfall in infrastructure costs generated by more and more housing, and other development which is not charged at all or which pays very little charge, is open to question. The Public Accounts Committee warned in January 2021 of the increasing and excessive borrowing costs threatening many local authorities with bankruptcy. In that context a failure to raise CIL charges to a higher realistic level against an acknowledged "headroom" available in the Vale should be seriously questioned.

Representation: That a clear explanation is given of the housing numbers of development not identified but mentioned in the Local Plan, Parts 1 and 2, of why Strategic Sites, especially in the Eastern Charging Zone, should not pay CIL, and why residential development in the Didcot Garden Town Masterplan Area not within the Vale District should be part-funded by funds levied in the Vale, given the substantial funding gap in the District. Until the answers to these points are available with supporting evidence there should be no implementation of the Proposed Changes to the CIL Charging Schedule in the Vale District and a further public consultation should be undertaken.

¹¹ Dalton Barracks and Kingston Bagpuize, 1200 and 600 dwellings respectively, plus 240 North-West of Radley and 270 South of Kennington.

¹² North-west of Grove, 400 dwellings.

¹³ Valley Park 2,550, North-west Valley Park 800, Milton Heights 400 and West of Harwell 200 dwellings.