
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="Stephen Pickles"/>	<input type="text"/>
Organisation (if relevant)	<input type="text" value="West Waddy"/>	<input type="text"/>
Job Title (if relevant)	<input type="text" value="Policy Planner"/>	<input type="text"/>
Address Line 1	<input type="text" value="The Malthouse"/>	<input type="text"/>
Address Line 2	<input type="text" value="60 East St Helen St"/>	<input type="text"/>
Address Line 3	<input type="text"/>	<input type="text"/>
Postal Town	<input type="text" value="Abingdon"/>	<input type="text"/>
Postcode	<input type="text" value="OX14 5EB"/>	<input type="text"/>
Telephone Number	<input type="text" value="██████████"/>	<input type="text"/>
Email Address	<input type="text" value="████████████████████"/>	<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	Yes – please see separate representations
CIL Viability Assessment, April 2019	
CIL Viability Assessment Addendum, August 2020	Yes
CIL Viability Assessment Executive Summary, October 2020	Yes -para 9.4 has the same words as para 8.2 of the CIL Viability Assessment Addendum, August 2020, so the same representations apply to both.
Infrastructure Funding Gap Statement, January 2021	
Page/Paragraph Number (please specify where relevant)	5.55 – 5.59 ; 5.68 – 5.76; 5.77 – 5.82; 8.2;

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):

Aspinall Verdi state in paragraph 8.2 of their VOWH Addendum Viability Assessment that:

'Our preliminary recommendations included separate CIL rates for brownfield and greenfield sites. However, following further consultation with council officers involved in the administration of CIL, it became clear that there were reasons why differential rates for brownfield/greenfield sites would not be appropriate for this District. These are as follows:

- *The administration of brownfield and greenfield CIL rates across the District would be complex and would require additional staff resources; and*
- *The majority of brownfield development would come forward in Wantage, Grove and Faringdon, and defining a separate CIL charging zone covering these areas would allow a higher CIL rate to be set for the rest of the District, without prejudicing viability.'*

Basically, therefore due to the administrative complexity of operating separate CIL systems for brownfield and greenfield sites, the Council have chosen one system which applies the same rates to both types of land, and justifies this on the grounds that most brownfield sites are located in Wantage, Grove and Faringdon and will therefore be covered by the lower rates set for these settlements. However, this does not address two factors:

Firstly, there are also substantial amounts of brownfield land around Didcot Power Station and in Abingdon, both of which are in the high value eastern parishes zone 1, where the rates are particularly high being £280 per square metre for major residential schemes of 10 or more dwellings;

Secondly, there are very substantial differences in the costs of decontaminating brownfield land, with some sites being much more contaminated than others.

If the most heavily contaminated sites are to be brought forward for development there is therefore the need for flexibility so that CIL is not applied uniformly to all brownfield sites. If it is too complex to have separate CIL rates for greenfield and brownfield sites, it is vital that the Council offers exceptional circumstances relief so that the application of CIL does not preclude the de-contamination and re-development of brownfield land. For further justification for this argument, please see the West Waddy representations on the CIL Draft Charging Schedule.

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.**

Comment Form Community Infrastructure Levy (CIL) Draft Charging Schedule – January 2021

**Public Consultation in accordance with Regulation 16 and 17 of the
Community Infrastructure Levy Regulations 2010 (as amended)**

Introduction

The Community Infrastructure Levy (CIL) came into force in April 2010 and is a levy that local authorities can choose to charge on new development in their area.

Vale of White Horse District Council is undertaking a review of its current Charging Schedule (adopted in September 2017), to take into account the new site allocations and additional infrastructure requirements contained within Part 2 of the Vale Local Plan 2031 (which was adopted in October 2019) and legislative changes introduced by the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019.

Public Consultation on our Draft Charging Schedule (January 2021)

We are currently at the consultation stage of our review (Regulation 16 of the Community Infrastructure Levy Regulations 2010 as amended) and are inviting comments on:

Our **Draft Charging Schedule**, which can be viewed online at:
www.whitehorsedc.gov.uk/cilchargingscheduleconsultation

We would also welcome comments on the following associated evidence documents (which are also available to view on the above webpage):

- **CIL Viability Assessment, April 2019**
- **CIL Viability Assessment Addendum, August 2020**
- **CIL Viability Assessment Executive Summary, October 2020**

These viability assessments underpinned our review and provide important background information on development viability, which has informed the proposed new CIL rates for different development typologies. The findings from these assessments have also provided the basis for defining three new CIL charging zones across the District.

Demonstrating an Infrastructure Funding Gap

The CIL Regulations 2010 require that, in order to justify charging CIL, the Council must demonstrate that there is a 'gap' between the infrastructure needs of the District and the funding that is available, including anticipated CIL income. An Infrastructure Funding Gap Statement has been prepared to demonstrate this need and is also being published alongside the Draft Charging Schedule for public consultation.

Our **Infrastructure Funding Gap Statement** can also be viewed online at:
www.whitehorsedc.gov.uk/cilchargingcheduleconsultation

Public Consultation on our Draft Developer Contributions Supplementary Planning Document (SPD)

Alongside our CIL review, the Council is currently undertaking a review of its Developer Contributions SPD. Again, this is to take into account the adoption of Part 2 of the Vale Local Plan 2031 and changes to the CIL Regulations in 2019. The revised draft version of our Developer Contributions Supplementary Planning Document has been published for public consultation and can be found on the Council's website, together with a separate comments form: www.whitehorsedc.gov.uk/developercontributionsSPDconsultation

Viewing Consultation Documents in Person

Hard copies of the consultation documents have been placed at the district council offices on Milton Park, however unfortunately the offices are currently closed to the public due to the Covid-19 pandemic. If you would like to view hard copies, please contact us on **01235 422600** or email planning.policy@whitehorsedc.gov.uk so we can discuss options with you.

How to Submit Comments

Full details on how you can submit comments on any of the consultation documents can be found at the end of this comments form and on our website:

www.whitehorsedc.gov.uk/cilchargingcheduleconsultation

The deadline for submitting comments is **midnight on 8 February 2021**.

What Happens Next?

In accordance with Section 212 of the Planning Act 2008 (as amended), the Council must submit its Draft Charging Schedule for examination by an independent examiner, before the Schedule can be considered for adoption and the revised CIL rates can come into force across the District.

All representations will be forwarded to the Examiner for consideration and, in accordance with Regulation 21 of the Community Infrastructure Levy Regulations 2010, you are invited to indicate (by ticking the relevant box in this comments form) whether you wish to be heard by the Examiner at the Examination.

Please note: If you do not make this request before the public consultation period ends, the Regulations do not permit you to speak at the Examination.

Following the Examination, the Examiner can approve or reject the Charging Schedule, or suggest modifications which the Council must make in order to adopt it. The Charging Schedule must then be approved by Council resolution before it can come into effect.

Completing the Comment Form

This form has two parts: Part A – Personal details and Part B – Your comments

Sharing your personal details

The Draft Charging Schedule must undergo a public Examination by an independent person, before Vale of White Horse District Council can formally approve it. Anyone who has made a representation has a right to be heard by the Examiner (under section 212(9) of the Planning Act 2008, with rights qualified by Regulation 21(12) of the Community Infrastructure Levy Regulations 2010).

For your comments to be considered, you must also provide your name and address, which we will share with the appointed Examiner and a Programme Officer, who acts as a point of contact between the Council, Examiner and respondents before, during and after the Examination. In line with the Community Infrastructure Levy Regulations 2010, you may be contacted by the Programme Officer (or where necessary the Council) with relevant updates regarding the Examination or other aspects of our CIL review.

Following the consultation period and in accordance with Regulation 19 of the Community Infrastructure Levy Regulations 2010, the Council must publish a consultation report, which summarises all the responses received. Comments submitted by individuals will be published on our website, alongside their name. No other contact details will be published. Comments submitted by businesses and/or organisations will be published, including contact details.

Please refer to our Privacy Notice regarding how your personal data is used for this consultation. If you would like to know more about the council's data protection registration or to find out about your personal data, please visit www.whitehorsedc.gov.uk/dataprotection.

Any queries?

If you have any queries about this form or require it in an alternative format (for example: large print, Braille, audio, email, Easy Read or alternative languages) please email haveyoursay@southandvale.gov.uk or call **01235 422425**.

Part A – Personal details

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CIL Viability Assessment Executive Summary, October 2020	
Infrastructure Funding Gap Statement, January 2021	
Page/Paragraph Number (please specify where relevant)	9.4

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):

Paragraph 9.4 of the Draft CIL Charging Schedule, states that: '*Under CIL Regulation 55, a council can choose to offer exceptional circumstances relief, if charging CIL would have an unacceptable impact on the economic viability of a particular development. Exemptions can also be made for charitable institutions, where this would constitute State Aid (under CIL Regulation 45). However, in the Vale of White Horse District, neither discretionary charity relief nor exceptional circumstances relief are currently available and the Council does not propose to revise its exemptions policy.*'

In our view this is a mistake as some brownfield sites are very expensive to develop. An example of this is the former Techtronics site at 5 Lechlade Road, Faringdon. This site is a former industrial gas works and has remained vacant for many years. Planning permission was first granted for its redevelopment for residential use in 2005, but it is still vacant now. Outline consent (P17/V1310/O) was granted most recently on 8th February 2018, and the application for reserved matters is currently being considered by the Council. When the outline application was considered it was subject to a viability assessment. The Council's delegated report states that: '*This data has again been reviewed by BNP Paribas on behalf of the council. Clarification was sought as to the construction costs provided by the applicant and BNP are satisfied with the information. They confirm that the scheme in the current market would not be able to support any affordable housing or S106 contributions. CIL is however not negotiable so the development will have to pay this,*' (para 6.18). This indicates how marginal the scheme is in viability terms and how potentially CIL could prevent development as it is non-negotiable, even where it would make a scheme unviable. As the former Techtronics site is of a moderate size, being 0.36 ha; is close to the town centre; and surrounded by existing development it is highly desirable that it is brought into productive use and if this was prevented by CIL this would be of significant detriment to the locality.

Government planning policy strongly emphasises the importance of giving priority to developing previously developed land. For example, paragraph 117 of the National Planning Policy Framework states that: '*Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.*' This has three key benefits. Firstly, it reduces the pressure for the development of greenfield sites; secondly it enables the removal of pollutants from heavily contaminated sites, thus enabling them to be put to productive use and also reducing the risk of the pollutants leaching to other sites and potentially causing a health hazard; and thirdly, it increases the vitality of the urban area where the site is located and thereby assists in maintaining the viability of the services and facilities which are located there. The Council's Local Plan Part 2 acknowledges the serious consequences that can arise from contaminated land, stating in paragraph 3.198 '*The contamination of land can have adverse impacts on health and social well-being, as well as damaging natural habitats and contributing to the pollution of surface waters and groundwater.*' It is therefore imperative that such issues are addressed wherever they arise at the earliest opportunity.

Being willing to offer exceptional circumstances relief would therefore have important planning benefits, in making more efficient use of land and thereby satisfying the need for more housing, employment and community facilities while also enabling significant adverse environmental impacts to be addressed. Utilising all means possible to facilitate the remediation and development of brownfield contaminated land therefore strongly accords with the three principles of sustainable development in delivering economic, social and environmental benefits.

In order therefore to ensure that CIL does not prevent the development of contaminated brownfield sites, the Council should offer exceptional circumstances relief, so that should the circumstance arise that the development of a heavily contaminated site would only be viable if relief is obtained from the payment of CIL, that the Council would have the discretion to allow this to happen.

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