

# Wakefield Community Infrastructure Levy (CIL) Examination

## Council's Response to Examiner's Further Question

August 2015

**Q Does the change to the Planning Practice Guidance, following on from the judgment in West Berkshire District Council and Reading Borough Council v SSCLG have any implications for the setting of residential and commercial rates for the Wakefield CIL? (13 August 2013)**

### Council's Response

1. The residential and commercial rates in the Draft Charging Schedule were based on viability appraisals that were carried out prior to the inclusion of paragraphs 012-023 in the Planning Practice Guidance on Planning Obligations. These paragraphs have now been removed from the Planning Practice Guidance online resource.
2. Wakefield's policy for affordable housing is set out within policy CS6 of the Wakefield Core Strategy which was adopted in April 2009. In précis this states that 30% affordable housing should be provided on the application site:
  1. Where the proposal is for 15 or more dwellings, or is on a site of 0.5 hectares or more in area, and is within an urban area or local service centre as defined in the settlement hierarchy.
  2. Where the proposal is for 6 or more dwellings, or is on a site of 0.2 hectares or more and is within a village as defined in the settlement hierarchy.

The policy is flexible with regard to viability of sites.

3. Accordingly, the viability appraisal included the assumption of 30% affordable housing on all the residential archetypes tested, on the basis of the above policy.
4. Wakefield has no specific Local Plan Policies for tariff style contributions. However, developments of 25 or more residential units are expected to contribute towards education infrastructure, and developments of 30 or more dwellings are expected to contribute towards public open space.
5. The site specific contribution for public open space will continue to be expected through a section 106 agreement, upon the introduction of CIL in Wakefield. As such, the residual section 106 of £1000 per unit allows for this, and has been applied to all archetypes in the viability modelling. The regulation 123 list makes

it clear that education infrastructure will be funded in future by CIL once it is adopted (except in the case of Special Policy Area 2 where primary provision will continue to be sought through section 106 agreements).

6. Therefore, the viability modelling that has been carried out to support the residential rates assumed that the archetypes tested would be policy compliant in relation to the relevant planning obligations. No remodelling work was carried out in order to support any changes to proposed rates, based on the changes to NPPG, which have subsequently been revoked. Therefore, it is not considered that these changes have any impact on the viability of the proposed residential rates.
7. In relation to commercial development, the PPG formerly included a threshold of 1,000 square metres below which tariff based planning obligations should not be sought. The Draft Charging Schedule does not include a size threshold for retail warehouse developments. However, the commercial rates are supported by viability work that was carried out prior to the introduction of this threshold.
8. The Draft Charging Schedule includes a threshold for charges on large supermarkets of  $\geq 2,000$  square metres gross internal area. This is higher than the threshold that was included in NPPG. As such, it would not have any impact on the viability of the proposed rates on development of this scale, whether the threshold for tariff based contributions applies or not.
9. Furthermore, Wakefield Council does not apply any fixed tariff based planning obligations to commercial development. No changes were made to any of the assumptions for commercial development, including those relating to section 106 planning obligations, no re-appraisal of viability was carried out following the introduction of paragraphs 012-023, and no changes were made to the proposed commercial rates.
10. On the basis of the above, therefore, it is concluded that the changes made to PPG as a result of the High Court judgment on *West Berkshire District Council and Reading Borough Council v SSCLG* which was issued on 31 July 2015 do not have any implications for the setting of residential and commercial rates for the Wakefield CIL.