



## Local Development Framework

### **Community Infrastructure Levy (CIL)**

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

### Summary of Comments and Council's Response 2014

## COMMUNITY INFRASTRUCTURE LEVY: PRELIMINARY DRAFT CHARGING SCHEDULE CONSULTATION SUMMARY OF COMMENTS AND COUNCIL'S RESPONSE 2014

Comment Reference and Name	Organisation	Document Paragraph or Question Number	Comment (Summarised by Wakefield MDC)	Council's Response
<b>Question 1 – DO YOU CONSIDER THE PROPOSED CHARGE RATES ARE REASONABLE?</b>				
CILPDCS2 Mr D Legwood	Resident	1	Yes	Comment noted.
CILPDCS3 Mr G Hall	Individual	1	No. Counterproductive to suppress development with increased costs when there is a housing shortage.	The CIL charges proposed are based on economic viability evidence to achieve the right balance between securing the funds required for essential infrastructure to support the growth of Wakefield whilst encouraging new development.
CILPDCS5 Mrs Susan Eustace	Individual	1	Yes	Comment noted.
CILPDCS9 Ms Lora Hughes	Leeds City Council	1	Yes.	Comment noted.
CIL PDCS10 Mr J M Donlon	Individual	1	No. Charge levels should be set higher to discourage developers from cherry picking Green Belt and Greenfield sites, ignoring Brownfield sites in urban communities because they are not as profitable. I understand Brownfield sites will be exempt from the levy.	Brownfield Sites are not exempt from the Levy. The Levy applies to sites for residential development depending on the zone they are located in. Sites located in the low

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				zone would be subject to a £0 charge, as these sites would not be sufficiently viable. Some sites would not be viable if the CIL charge rate is set at zero, due to high site abnormal costs. The charge rates are set based on economic viability evidence.
CILPDCS 11 Dr S Atkin	Resident	1	Yes.	Noted.
CILPDCS12 Dr S Clark	Wakefield District Cycle Forum	1	Yes.	Noted.
CILPDCS17 Andrew Piatt	Gateley LLP on behalf of Yorkcourt Properties	1.	No. The proposed rates in respect of residential development are excessive and will impact upon the delivery of affordable housing within the borough.	Comment noted. Evidence requested to up hold statement made. No details submitted or alternative rates with justification, etc. Affordable housing will be secured through continued use of Section 106 agreements.
CIL PDCS19	Network Rail	1	Yes.	Noted.

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Mr T Riverio				
CILPDCS20 Mr C Osborne	Leonard Cheshire Disability Organisation	1	No. CIL opportunity to promote the construction of disabled-friendly homes, Lifetime Homes or fully Wheelchair Accessible Homes. The council should take this opportunity to offer a CIL discount on every property which is built to be disabled-friendly. We recommend a discount of 25% for all properties built to Lifetime Homes Standards and a discount of 100% for all homes built to fully wheelchair accessible standards.	Comments noted. CIL should not be used as a mechanism to encourage or discourage development. The proposed residential rates proposed are set based on economic viability work. The DTZ report - PDCS Response details the development assumptions used to arrive at the proposed rates. There is no evidence to suggest separate rates are required for particular types of residential development.
CILPDCS22 Mr I Stuart	West Yorkshire Police	1.	Yes, but this is subject to review of the impact of CIL on both a scheme by scheme basis, and an area wide basis.	Noted. CIL will be monitored and reviewed as required by the CIL regulations.
CILPDCS24 Mr T Chalkley	Individual	1	Yes.	Noted.

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CILPDCS28 Mr C Dyer	Thomas Dyer on behalf of Asda.	1.	<p>No, would discourage larger retail developments. All other forms of development will receive a significant subsidy at the expense of retail schemes and there will be a corresponding disincentive (and market distortion accordingly) to investment in this sector of the local economy.</p> <p>ASDA has a proven track record of investing in local communities and of creating jobs within these areas. The supporting papers do not acknowledge this trend nor do they fully assess the role of retail within the national economy. They simply assert that large scale retail is performing stronger in comparison to the other aspects of the retail sector; it implies that large scale retail establishments have the capacity to pay potentially very large sums of CIL, whereas the Town Centre comparison and small convenience retail rates are much lower.</p> <p>The Council's decision to apply differing CIL rates to supermarkets, retail warehouses and small retail developments falls outside the scope of the rate differentials permitted in the CIL regulations. Although differentiation by size is now permitted, it still needs to be firmly rooted in the viability evidence and a different viability profile still needs to be shown. The Viability Study adopts the threshold of 2000 square metres for the definition of 'large convenience retail' which appears to be an arbitrary threshold and is not properly explained or tested in the Viability Study. The Viability Study does not contain sufficient robust evidence and financial information to justify splitting CIL charges in the way proposed.</p> <p>EU State Aid issues arising out of the setting of differential rates for different types of commercial entity within the same use class. Introducing such differential rates confers a selective economic advantage on certain retailers depending on the size of the shop they operate out of, or their type of business.</p> <p>Would be grateful if the Council adopted a flat levy rate for comparable sectors</p>	<p>Comments Noted.</p> <p>Comments addressed in DTZ's report - PDCS Response. Use of retail threshold justified and evidence stated.</p>

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			of the economy/use classes or, if it is not prepared to do so, providing an explanation as to why State Aid issues are not engaged by the setting of differential rates within use classes to the Inspector at the Inquiry.	
CILPDCS32 Mrs L Whitaker	Federation of Small Businesses (FSB) (Wakefield Branch)	1.	<p>No. FSB considers the supplementary levying of small businesses to be unreasonable. The CIL is both an additional tax and regulatory burden on small firms. As proposed, it will deter developments which are intended to contribute to the economic development and regeneration of the Wakefield district.</p> <p>The CIL will not replace the requirement for Section 106 agreements either, so it is an extra regulation that businesses of all sizes will have to grapple with and fund.</p> <p>FSB would request that small firms are exempt from the CIL.</p>	<p>Currently S106 agreements are most commonly used for large residential developments. The proposed CIL charges would apply to all residential development (there are some exemptions), large supermarkets and retail warehouses. S106 agreements will not exist in the same format after April 2015 when the pooling restriction comes into force or when CIL is introduced.</p> <p>The CIL regulations do not permit any exclusion for small firms. The regulations do permit exemptions for self-builders.</p>
CILPDCS34 Miss F Pudge	Sports England	1.	Yes.	Noted.

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CILPDCS35 Rebecca Housam	Savills on behalf of Linden Homes.	1.	No. Full comments under viability and qu 3 and in attached report.	Noted.
CILPDCS36 Heather Lindley	Savills on behalf of Clerical Medical Managed Fund	1.	No, see text under qu 3.	Noted.
CILPDCS37 Mr Matthew Spilsbury	Turley Associates on behalf of Sainsbury Supermarkets.	1.	<p>No. Sainsbury's Supermarkets Ltd (SSL) fundamentally objects to the proposal within the Wakefield CIL Preliminary Draft Charging Schedule (PDCS) to set a differential CIL charge for development defined as 'Retail - Large supermarket (2000 sq.m GIA)' at £103 per square metre (psm).</p> <p>SSL consider the Council's evidence base to be flawed. However, it is not the role of SSL to prepare the evidence on behalf of the Wakefield Council ('the Council').</p> <p>The CIL Regulations permit differentiation by scale as appropriate if, and only if, there is clear evidence that the proposed threshold marks a point at which the viability characteristics of the type of development change. If there is no material difference in viability between developments on either side of the threshold then there is no justification for treating similar development differently.</p> <p>The Council have chosen to use a 2,000 square metre (GIA) threshold for the point above which retail 'supermarket' development will be charged at £103 per square metre. If they are less than 2,000 square metres (GIA) they will be charged at the rate of £0.</p> <p>There is nothing, of any substance, in the "relevant evidence" supporting the PDCS that provides adequate "fine grained" evidence that there is any viability</p>	<p>Objection noted.</p> <p>Comments addressed in DTZ's report - PDCS Response. Use of retail threshold justified and evidence provided. Use of threshold does not constitute state aid.</p>

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			<p>difference either side of the proposed 2,000 square metre (GIA) threshold. No additional viability analysis has been prepared and published that gives any or any adequate, evidence that the threshold is an appropriate one. The closest 'archetypes' tested are at 1,500 square metres (GIA) for a 'supermarket discount', and 5,000 square metres (GIA) for a 'supermarket large'. Moreover, these 'archetypes' are not consistent in their underlying assumptions – with differing cost and value points utilised. Hence, they do not compare a 'like for like' for the purpose of setting a differential rate for a development type.</p> <p>In the absence of adequate evidence, the threshold cannot, properly, be maintained.</p> <p>In addition, the absence of adequate viability evidence suggests that there is a potential state aid issue - with smaller stores having a materially lighter cost burden (and effective subsidy) than larger stores, without there being an objective justification.</p> <p>Without viability evidence to justify this threshold, SSL ask the Examiner to consider how it is possible to reach a decision as to whether the Council has struck an appropriate balance between the desirability of funding infrastructure through CIL and the impact upon development viability for these uses.</p> <p>SSL would request that the Council provides definitive viability evidence to demonstrate that the threshold adopted represents the correct balance or changes the CIL rate so that a common rate is applied to all retail development.</p>	
CILPDCS39 Mr Andrew Rose	Spawforths on behalf of CIL consortium	1.	No. Residential Market - Questioning average house prices used / Halifax Price Index Figure, DTZ should quote regional not national figures. Impact of restrictions from help to buy scheme. Cannot be taken for granted that a rising market will help contribute to CIL	Comments noted.  Refer to DTZ's report – PDCS Response.



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			<p>Archetype site selection – impact of CIL on sites larger than 3ha should be considered. Example of City Fields used.</p> <p>Table 3.3 lists the average dwelling sizes used by DTZ in their site assessments. The sizes stated would seem to be at least 10% larger than those that we would expect for the 2, 3 &amp; 4 bed house types. Further evidence to justify house sizes within Wakefield needs to be provided within an updated EVE.</p> <p>Affordable Housing - WMDC's current policy is a requirement of 30% affordable provision unless economic viability proves that this level of provision renders the development unviable. The fact that " <i>evidence shows that affordable housing contributions have typically achieved 20% on average since the policy was adopted in 2009</i> " suggests that even before CIL is introduced, the average site is unviable if 30% affordable housing was applied</p> <p>Build cost - The Consortium are concerned that WMDC are using a ' <i>local</i> ' build cost of £807 per sq m for houses and £861 per sq. m for flats, rather than the nationally recognised BCIS figures, especially as no detailed evidence is shown for where the costs have been derived from. Furthermore, the 10% uplift for external works is considerably light and this should be increased to approx. 20% (19% uplift was costed within the City Fields Economic Viability Assessment).</p> <p>DTZ state that no allowance has been made for abnormal costs but that the site values have been inflated by £247,100 per ha (£100,000 per acre). We consider that this underestimates the abnormal costs. City fields example used. Phase 1 City Fields development is located on a greenfield site but the site specific abnormal equate to £445,000 per ha. The evidence of the fully costed scheme</p>	<p>Modelling exercise has been undertaken based on new series of hypothetical development site sizes. Review covers smaller unit sizes &amp; lower site coverage.</p> <p>The current Affordable Housing LDF policy (CS6) allows for negotiations where appropriate on the percentage of affordable housing required. This element of the policy will not change if CIL is adopted. Contributions will be sought through the continued use of S106 agreements.</p> <p>For build cost, abnormal allowance &amp; residual S106 assumption refer to DTZ's report – PDCS</p>

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			<p>at City Fields would suggest that an allowance of only £247,100 per ha for abnormal scheme costs is insufficient, even on a greenfield site.</p> <p>A cost of £1,000 per dwelling has been added to the assessment costs by DTZ to allow for site residual S106 agreements. City Fields example used, total £8,272 per plot as experienced at City Fields. Therefore, the suggested £1,000 per plot cost used by DTZ is significantly under stated, particularly on large scale residential sites which must still continue to carry education costs.</p> <p>The impact of the above highlighted cost increases, based on the experience of the fully detailed viability assessment of the Phase 1 City Fields scheme, over and above those used by DTZ in their site assessments totals an additional cost burden of £701,913/ha or £283,971 per acre.</p> <p>The impact on land values of these additional costs would result in a negative land value on a mid-value benchmark site and a significantly reduced land value of £16,000 per acre on a high value benchmark site.</p> <p>The impact in reality would be the risk that delivery of development would be severely restricted by land owners who have no incentive to bring their sites forward.</p> <p>Site Value Benchmarks - DTZ state that available evidence of recent land transactions in Wakefield is limited and for that reason have used the records that WMDC holds on viability cases negotiated through the planning system. Eleven sites are listed within the transactional evidence. Of these eleven, only two are located in a high value area as defined by Figure 3.2 HM Land Registry Achieved Average Property Values by value area on page 10 of the DTZ report. The remaining 9 sites listed are in either medium or low value areas. Such a</p>	<p>Response. Independent verification of locally adjusted build cost has been undertaken. Further S106 analysis undertaken.</p> <p>The City Fields example provided is a large site with specific infrastructure requirements. The details of this application and viability of the site have been considered and the impact of CIL. Refer to the PDCS Response report in full.</p> <p>Refer to the DTZ report – PDCS Response.</p>

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			<p>disparity in the distribution of the transitional evidence used results in the benchmark land values for the three areas being understated.</p> <p>The Phase 1 site at City Fields covers land within two main ownerships. Both landowners, one public sector, insisted on, through the purchase negotiations, the inclusion of minimum land values in excess of the £237,500 per acre that DTZ have used for a mid-value benchmark.</p> <p>The Consortium are concerned that the evidence base has not been presented and the assumptions taken do not justify the proposed residential charging rates of £55 per sq. m. in the high value areas and £33 per sq. m. in the medium value areas. The Consortium considers that at these rates the majority of schemes would be unviable.</p>	Evidence provide in the DTZ report – PDCS Response.
CILPDCS40 Ms J cannon	Individual	1.	No. Page 10 of Appendix 2 - Residential Charging Zone Map, whilst apparent a political advantageous to labour council candidates, is never the less levied exorbitantly to some of WDC citizens, i.e. £55 per sq. m, whilst permitting other WMD citizens the privileged rate of £33 per sq. m or £0 per sq. m. Pro bono?	Comments noted. The proposed residential CIL charge rates and zones are based on economic viability evidence. There are exemptions for residential development such as annexes, extensions, and dwellings which are built by self-builders.
<b>Question 2 – DO YOU AGREE WITH THE CHARGING ZONES ON THE MAP?</b>				
CILPDCS2 Mr D Legwood	Resident	2	No. The areas that pay the most receive the least of the money as is always the case in Wakefield.	Charging Zones are based on economic

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				viability work undertaken. The CIL monies raised other than the neighbourhood portion would be in a central pot to address strategic infrastructure priorities across the district.
CILPDCS3 Mr G Hall	Individual	2	No. Any charge will affect proposed housing developments.	The proposed CIL charge rates and zones are based on economic viability work. Where it is not currently sufficiently viable enough to set a CIL charge for an area a zero rate is proposed as in the low charging zone.
CILPDCS5 Mrs Susan Eustace	Individual	2	Yes.	Noted.
CIL PDCS10 Mr J M Donlon	Individual	2	No. As above, Levels in certain Zones should be set at a higher premium where new development is contentious, detrimental to local residents and where there's likelihood of harm and damage to the environment.	The proposed rates are based on economic viability work and the proposed zones are based on postcode sectors and

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				average house price values, over a defined period. The evidence indicates that residential development falls into three value areas high, medium and low. The regulations do not permit setting a charge rate based on where development maybe contentious. S106 agreements will continue to seek contributions required to make a development acceptable in planning terms.
CILPDCS 11 Dr S Atkin	Resident	2	Yes.	Noted.
CILPDCS12 Dr S Clark	Wakefield District Cycle Forum	2	Yes.	Noted.
CILPDCS17 Andrew Piatt	Gateley LLP on behalf of Yorkcourt Properties	2.	No. The divisions between the low, medium and high charging zones are arbitrary and not realistic when viewed on the ground.	Comments noted. The data for the zones has been applied to Ordnance survey data used by the Council.

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				The zones now follow ordnance survey postcode sector boundaries. The map will be made available on online following adoption to navigate and enlarge.
CILPDCS19 Mr T Riverio	Network rail	2	Yes.	Noted.
CILPDCS22 Mr I Stuart	West Yorkshire Police.	2	Yes, but subject to the understanding that the proposed system has the flexibility to adjust to genuine anomalies as and when they occur.	Comments noted. CIL will be monitored. The Zones will be reviewed as required. The economic viability evidence would need to be revisited to justify any change to the proposed zones once adopted. The charging zone data has not altered but for the DCS stage but the data has been aligned to follow more physical features and is better represented on a map.
CILPDCS24 Mr T Chalkley	Individual	2	Yes.	Noted.
CILPDCS32	FSB (Wakefield)	2.	No, concerned about the varying charge rates for residential developments	The proposed CIL

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Mrs L Whitaker			<p>across the district and how confusing this could be to developers and house builders, particularly for developments which cross boundary lines. Developments in the more affluent parts of the district will generally be subject to the higher charge rate. For example, Ackworth and Badsworth are rated at the high charge rate of £55 per square metre whilst neighbouring Upton is rated at £0 charge.</p> <p>Developments in the Stanley and Outwood East ward will be particularly problematic, as there are three proposed charge rates for developments within the ward: £0, £33 per square metre and £55 per square metre.</p> <p>One piece of land could fall into two or more wards, or even, more than one local authority district. This will make it difficult for developers and house builders to anticipate the likely cost of the charge prior to purchasing the land or submitting a planning application.</p>	<p>zones have been reduced from 5 to 3 zones through the CIL process to simplify the charges. The zones proposed are based on postcode sectors and average house price data, over a defined period. The economic viability evidence justifies the zone approach. A development site may fall in two different zones and the CIL charge would be calculated accordingly. The zones have been plotted in GIS and sites can be easily identified and the charge calculated.</p>
CILPDCS34 Mss F Pudge	Sports England	2.	Yes.	Noted.
CILPDCS35 Rebecca Housam	Savills on behalf of Linden Homes.	2.	No. Full comments under viability and qu 3 and in attached report.	Noted.
CILPDCS39 Mr Andrew Rose	Spawforths on behalf of CIL	2.	No. The Consortium is concerned with the approach to defining the value areas and therefore the charging zones. The charging zones have been based upon	Comments noted.

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	consortium		<p>average house prices. However, the evidence behind the average house prices has not been published and therefore we are unable to comment upon it and therefore the chosen charging zones.</p> <p>The charging zones and the boundaries between them lack clarity and justification. For example, the medium charging zone appears to directly abut one of the lowest value areas in the District at Girnhill, Featherstone, which is unlikely to be realistic. The charging zones should be reviewed and the entire evidence base published.</p> <p>The charging zones should accord with the Regulations and Guidance and be shown on an appropriate map base which enables the public to easily understand the zones.</p> <p>The Consortium are concerned with the Site Specific EVE as follows:</p> <ul style="list-style-type: none"> <li>• Only the Special Policy Areas from the Site Specific Proposals DPD are assessed</li> <li>• The sites are not distributed evenly across the district and are largely in Castleford</li> <li>• The sites are primarily in low value areas</li> <li>• The only site in a high value area is Snowhill</li> <li>• There is a lack of information on the sites</li> </ul>	<p>Evidence of average house price data to be made available from DTZ.</p> <p>The zones have been reviewed and some district boundary adjustments made. The zones are based on data of average house prices and postcode data.</p> <p>Refer to DTZs' report – PDCS Response / addressed in updated evidence for DCS stage. Further viability modelling has been undertaken. To be addressed in updated evidence.</p>



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			<p>Therefore, the Consortium consider that the Site Specific EVE and its conclusions cannot be relied upon as robust and credible evidence, notwithstanding the fact that the Site Specific EVE shows that seven out of the twelve sites assessed are unable to afford CIL.</p> <p>The Consortium therefore considers that the Site Specific EVE should be undertaken to include all types of allocations, including purely residential and employment and SPA allocations. This assessment should be fully evidenced, rigorous and robust.</p>	
CILPDCS40 Ms J Cannon	Individual	2.	No. As all citizens are equal, so should the benefits of living in a community of equals be enjoyed by all.	Comment noted. The charges proposed would be paid by landowners and developers and CIL should reduce land prices accordingly. The charges are set based on economic viability evidence and where the charge on development is not sufficiently viable it is not charged for residential development. The monies from CIL will help deliver infrastructure across the district.

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<b>Question 3 – BASED ON THE SUPPORTING ECONOMIC AND VIABILITY EVIDENCE AND THE ASSUMPTIONS USED WILL THE CHARGES ACHIEVE THE CORRECT BALANCE BETWEEN SECURING FUNDS TO HELP DELIVER THE NECESSARY INFRASTRUCTURE, TO SUPPORT PLANNED GROWTH IN WAKEFIELD, AND ENCOURAGE NEW DEVELOPMENT?</b>				
CILPDCS2 Mr D Legwood	Resident	3	Yes	Comment noted.
CILPDCS3 Mr G Hall	Individual	3	No. (As above).	Noted.
CILPDCS5 Mrs Susan Eustace	Individual	3	Yes.	Comment noted.
CILPDCS9 Ms Lora Hughes	Leeds City Council	3	Yes.	Comment noted.
CIL PDCS10 Mr J M Donlon	Individual	3	No. Funds secured to support would be a drop in the ocean, the damaged caused and effect on infrastructure by current reckless over development is substantial. Roads alone £68 million latest figure quoted to bring them up to scratch. No doubt it will be the intention of WMDC planning to continue to encourage overdevelopment under the CIL (new levy) auctioning off for a quick buck that confronts and neglects public interest. As with the S106 arrangement money raked in from will be pathetically misused, not ploughed back into the economy of the area from which it generated.	The scale of development for the district is set out in the adopted Local Development Framework (LDF) adopted Core Strategy; introducing CIL would not alter this. Introducing CIL would help address the identified infrastructure gap, it will form one funding stream, and others will be required. The regulations require monies raised from CIL to be fed back into

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				areas that accept new development known as the neighbourhood portion. Without CIL the infrastructure gap would be greater. The CIL regulations detail the reporting requirements so it is clear what funds have been received and how CIL has been spent & the information will be publically available.
CILPDCS 11 Dr S Atkin	Resident	3	Yes.	Noted.
CILPDCS12 Dr S Clark	Wakefield District Cycle Forum	3	Yes.	Noted.
CILPDCS19 Mr T Rivero	Network Rail	3	Yes.	Noted.
CILPDCS20 Mr C Osborne	Leonard Cheshire Disability Organisation	3	No. Should include the provision of a discounted rate for homes built to disabled-friendly standards. Offering a discount would encourage the construction of these homes, transforming the lives of disabled people, and saving the local authority money in the long run.	Comments Noted. Recommend viability work considers the provision of such accommodation in setting the rates.
CILPDCS22 Mr I Stuart	West Yorkshire Police.	3.	No, it is impossible to say whether the balance of charging is correct at this stage.	This question is aimed at considering the

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				assumptions and evidence used to date in proposing the CIL rates and is not aimed at a review of the impact of CIL on development.
CILPDCS24 Mr T Chalkey	Individual	3.	<p>No.</p> <p>1/The CIL draft document claims to ensure greater transparency for local people; does this mean that the existing s106 agreement was not transparent?</p> <p>2/The allocation of the levy appears wholly unfair and divisive and not 'meaningful'; i.e. towns and villages can only recoup a maximum of 25% of the levy if a NDP is in place and if any projects have been recognised. The levy falls to 15% if no NDP is in place. most town and villages will not commission a LDP and therefore would not qualify for the higher amount as this will be adsorbed (and probably lost) into the District Council budget</p> <p>3/At a time when WMDC is attempting to save over £60m per annum why are we creating an additional tax which requires 2 tier calculation, collection and allocation departments; shouldn't the s106 agreement be reviewed to include items of the CIL without creating a second administrative department?</p> <p>4/ In calculating the CIL it discusses the justification of the charge where an independent examiner may waver any charge if it has an unacceptable negative impact on the economic viability of the development? Section 5.3 reads to me as a 'get out clause' for the developer!</p> <p>5/The Preliminary Draft Regulation 123 list of council projects which would benefit from a CIL levy puts the 'Wakefield Eastern Relief Road' at the top. If the project was fully funded why CIL monies should be targeted here. Has the monies been used elsewhere or was the LDF inspector misinformed?</p> <p>6/At £55 per sq/m I do not feel that would be a significant levy to steer prospective developers into building in lower charging zones. Some levy ought</p>	<p>1/CIL does not fully replace S106 agreements, S106 agreements will continue for affordable housing and on-site measures to make a development acceptable.</p> <p>2/The neighbourhood portion is set out in the CIL regulations; it is a minimum not a maximum. The remaining CIL monies will go into a central pot to deliver strategic infrastructure.</p> <p>3/It is not mandatory to introduce a CIL but S106 Agreements will not exist in the same format they currently</p>

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			<p>to be added even to the £0 charge zone. 7/what assurances can communities receive that the proposed CIL will be used to address the £97m shortfall?</p>	<p>do and the pooling element of them will be restricted from April 2015 or when a Levy is introduced if earlier. 4/Paragraph 5.3 in the PDCS refers to the standard examination process that CIL needs to go through to be adopted and what the examiner will consider. The regulations allow the council to provide further relief at their discretion, to do so it must adopt a policy. This is not part of the charging schedule at this stage. 5/The Regulation 123 List is to be updated and any projects that are fully funded removed. 6/The CIL proposed rates are set based on economic viability evidence and are not to promote or</p>

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				discourage development in a particular area. The monies raised other than the neighbourhood portion will go into a central pot to deliver infrastructure across the district. 7/There is a Regulation 123 list which sets out what CIL monies may fund and also lists what infrastructure S106 will continue to provide that CIL cannot be spent on. The CIL regulations require reporting of the monies so it is clear how the funds have been spent. A CIL cannot be introduced unless a funding gap has been identified.
CILPDCS28 Mr C Dyer	Thomas Eggar on behalf of Asda.	3.	No, concerns about the DTZ viability study. The Viability Study contains retail development assumptions that in our view are inadequate as they do not make sufficient allowance for the costs involved in obtaining planning permission for a	Comments noted.  Refer to DTZ's report –

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			<p>development scheme.</p> <p>By excluding the true cost of residual planning for a commercial development, the Council has underestimated the true cost of retail developments and artificially inflated the residual land values used for the financial viability models. This will, in turn, have inflated the amount of CIL proposed for these uses.</p> <p>The Viability Study does make an allowance for residual s106 and s278 agreements, in addition to CIL, that may be borne by developers within retail. It makes an allowance of £55 per sqm, giving a total allowance for a 5000 sqm store of £275,000. We are concerned that this is rather a low allowance and urge the Council to revisit this allowance.</p> <p>The Council's proposal to distinguish 'comparison' and 'convenience' retail also poses practical problems for retail developers and the Council themselves in assessing the charge, as most supermarkets and superstores contain a mix of convenience and comparison floorspace. The Council's current proposals will potentially result in two different CIL rates being charged for floorspace within the same building or development. Such an approach adds undue complexity to the CIL calculations</p>	<p>PDCS Response which justifies the retail assumptions used and provides relevant evidence.</p> <p>The CIL charge rate proposed for retail applies to floors-space over 200 square metres for large supermarkets.</p>
CILPDCS32 Mrs L Whitaker	FSB Wakefield	3.	<p>1/No. The FSB believes that the CIL will deter small developers and house builders from undertaking new developments in the Wakefield district. The FSB also believes that the CIL could stifle the growth of small businesses needing to expand their existing premises.</p> <p>2/As the liability for payment of the CIL ultimately rests with the landowner; the CIL could affect the price paid when purchasing land from landowners with planning consent resulting in paying an inflated price for the land. It could make developments in the Wakefield district unviable in comparison to neighbouring districts where the CIL is not in place. If the total cost of a development is too high because the CIL has to be incorporated, this reduces the profit margin for the business and they may decide not to go ahead with the development because it isn't financially worth it.</p> <p>3/Payment of the levy is due as soon as development commences and this</p>	<p>1/Comments noted. The CIL rates proposed are set based on economic viability evidence to strike the right balance between delivering the needed infrastructure for growth and encouraging new development in the district. The rates proposed are not the</p>

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			<p>increases both the upfront costs for small house builders and developers, as well as increasing the risk of the development stalling.</p> <p>4/The additional cost of the CIL would need to be factored in to any initial financial outlay, and that would create significant financial problems for some small building firms. Builders often rely on cash injections or capital from banks and other lenders in order to fund initial building works and purchase materials. Access to finance is already a significant issue for many small businesses, particularly in the construction sector which some high street banks refused to lend to during the economic recession. If the CIL is approved in any form, it would be prudent to apply it after the development has been completed.</p> <p>Small house builders have much higher development costs than larger house builders and the FSB believes that small businesses will be disproportionately affected by the levy. A recent report by the Federation of Master Builders, 'Tackling the Housing Crisis', revealed that the number of small house builders is at its lowest since 1982 because of escalating costs and regulatory burdens. Small businesses which need to increase the size of their premises to accommodate additional employees or to take on new contracts, could be deterred from expanding because of the CIL</p>	<p>maximum that could be charged and have been discounted. Further the assumptions used ensure there is further conservatism in the model used. The rates proposed would apply to residential development, retail warehouses and large supermarkets only.</p> <p>2/CIL should regulate the price of land and should achieve real land values. Some neighbouring authorities are perusing CIL, Leeds Selby and Bradford so introducing CIL in Wakefield would not push developers to other areas as such. CIL will only amount to a small percentage of overall development costs of a project.</p> <p>3/Payment is due on</p>



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				<p>commencement which is set out in the CIL regulations however there are features in the system such as introducing an instalment policy which helps with flexibility / cash flow and there is also phased payments. Wakefield is considering an instalment policy.</p> <p>4/Where it is not sufficiently viable to charge for a development type or in a particular area the charge proposed is £0. The further residential viability modelling has taking into account the development of smaller sites and the impact of CIL.</p>
CILPDCS34 Miss F Pudge	Sports England	3.	Yes.	Noted.
CILPDCS35 Rebecca Housam	Savills on behalf of Linden Homes.	3.	No. WDMC's affordable housing position is set out in the Wakefield Core Strategy (April 2009) in Policy CS6 Housing Mix, Affordability & Quality, which requires 30% of all new housing developments to be sought for affordable	<p>Comments noted.</p> <p>The residential viability</p>

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			<p>housing. The Viability Study prepared by DTZ appears to have taken in to account the implications of this policy; however, different levels of affordable housing provision have also been modelled.</p> <p>In the Viability Study it is noted by the consultant (DTZ) that "evidence shows that affordable housing contributions have typically achieved approximately 20% on average since the policy was adopted in 2009". This under supply of affordable housing is further evidenced in the PDCS Background Report which details "in analysing signed S106 from 2009 to 2013 and affordable housing contributions the information details an average of 21% affordable been achieved" which suggests that WDMC needs to carefully consider the potential trade-off that will occur between CIL and affordable housing.</p> <p>Given these conclusions it is likely in some locations that the proposed CIL, rate combined with policy costs would render some schemes unviable, and as CIL is non-negotiable, the delivery of affordable housing is likely to be jeopardised. The Council may say that in those cases a viability case may be made at the Development Control stage, however this does not lead to a proficient planning system, leading to developer (and investor) uncertainty, nor would it assist with the delivery of affordable housing. Indeed, it is not for the CIL process to re-set the affordable housing policy of WMDC, therefore the implications for the delivery of the current affordable housing policy is of critical concern.</p> <p>Savills has recently published research which assesses the impact of CIL on development viability, notably the delivery of affordable housing. This research, which is attached to this letter, demonstrates the trade-off required to enable a deliverable five year housing land supply, in respect of the level of CIL against affordable housing provision.</p> <p>The research notes that the ability of large Greenfield sites to support CIL,</p>	<p>modelling has used the 30% affordable housing policy requirement as required by the CIL regulations. Refer to the DTZ Report – PDCS Response for the further viability modelling undertaken. The work demonstrates that CIL is viable for the zones proposed whilst providing the 30% affordable housing.</p> <p>S106 agreements will continue to seek affordable housing contributions. The current CS6 policy requirement is negotiable based on the sites' development viability. Confirm report was received and has been given due consideration.</p>

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			<p>Section 106 and affordable housing provision is largely driven by the strength of the local housing market. Where the housing market is stronger (higher £ per sq. ft.) the total “pot” available for these contributions increases. In contrast, lower value areas see reduced viability and subsequently a reduced “pot”. It therefore becomes a question for local authorities to consider what the appropriate trade-off should be, taking into account adopted affordable housing policies. This is particularly relevant to Wakefield as approximately 50% of the proposed housing land supply is planned on greenfield land.</p> <p>In Graph 1 (see attached response in full), we have applied the Savills model to WMDC’s highest residential rate (£55 per square metre), which is applicable to ‘high value areas’ in addition to the following assumptions: 30% affordable housing – this is the level of affordable housing require in the District that will be applicable to sites falling within the £70 psm CIL rate; and £190 psf – this is the mid-point of sales value tested in the Viability Study and will apply to some of the sites falling within the £55 psm CIL rate. This is plotted alongside the equivalent CIL rates in neighbouring authorities that are also reliant on large scale greenfield development for housing delivery and have published a CIL charging schedule; to assess the viability of this proposed rate.</p> <p>Graph 1 demonstrates there is a limited ‘pot’ available for CIL&amp; S.106 if the affordable housing policy was to be reduced to 20% however at the policy compliant 30% there is no ‘pot’ available for CIL or S.106.</p> <p>In Graph 2 (see attached response in full), we have applied the Savills model to WMDC’s mid residential rate (£33 per square metre), which is applicable to ‘medium value areas’ in addition to the following assumptions: 30% affordable housing - this is the level of affordable housing require in the District that will be applicable to sites falling within the £33 psm CIL rate; and £173 psf – this is the mid-point of values tested in the Viability Study and will apply to some of the</p>	<p>The further residential viability modelling in response to the representations made has adjusted the CIL rate proposed in the middle zone and the discount and conservatism used are now more explicit to justify the rates proposed. The rates proposed are not the maximum that the viability work indicates could be charged.</p>

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			<p>sites falling within the £33 psm CIL rate.</p> <p>Graph 2 demonstrates there is no 'pot' available for CIL / S.106 in the mid -value area. This is largely on account of the low sales value in the area. Even reducing affordable housing in this area does not improve the viability. This demonstrates the risk the proposed CIL rates have on development viability</p> <p>It is therefore important that WMDC reviews the level of Section 106 and 278 contributions that will continue to be sought post-CIL to ensure that a suitable allowance is being tested. In the event that a residual allowance is not included, a trade-off between CIL and affordable housing may be needed if the delivery of these large Greenfield sites is not to be threatened. This is particularly important for WMDC given their reliance on strategic allocations.</p> <p>Large proportion of the housing supply will be from areas within the £33 per sq. m CIL charging zone. The following commentary by DTZ is therefore concerning: "The higher of the two medium sales values scenarios (Mid A) indicated an average maximum CIL of £83 per sq. m against local costs, <b>but negative figures against the BCIS cost sensitivity</b>. At the lower of the two sales value scenarios (Mid B), the results indicated an average maximum CIL of £37 per sq. m against the local cost scenario, and <b>negative figures when set against BCIS</b> "</p> <p>"Whilst there is a risk development could be subject to additional costs above those assumed in the local cost scenario, such impacts would be mitigated by in-built viability buffers in the above appraisals..."</p> <p>This is concerning and against the principle of the CIL Regulations and Guidance, which clearly states that Local Authorities have a positive duty to</p>	

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			<p>show that their CIL rates are appropriate: "A <i>charging authority</i> must use 'appropriate available evidence' to inform their draft charging schedule... ' charging authorities need to demonstrate that their proposed levy rate or rates are informed by 'appropriate available' evidence and consistent with that evidence across their areas as a whole'.</p> <p>It is not clear in this instance why DTZ have disregarded BCIS costs when there is limited evidence to support the local costs applied. Linden would encourage the Council to apply a cautionary approach to CIL rate setting and as such apply the BCIS costs which consider the 'worst case scenario' to avoid rendering a large proportion of schemes unviable as tables 3.11 High Value B (BCIS cost) and 3.12 Medium Value B (BCIS cost) demonstrate.</p> <p>DTZ's recommended rates are discounting BCIS costs and therefore we would therefore ask that WMDC review their CIL rates.</p> <p>We are pleased to note that DTZ has highlighted the importance of a viability cushion " Whilst the above inbuilt viability buffers will also mitigate these risks it is recommended that the maximum CIL rates indicated are discounted by a minimum of 10-20% in accordance with emerging practice to provide further insulation from variation in key appraisal inputs." DTZ goes on to apply a buffer of 10% which results in the proposed PDCS rates.</p> <p>In our experience, a minimum viability cushion of 30% should be adopted to minimise risk to the housing supply. Particularly when WMBC has a history of under-supply, particularly in respect of affordable housing. We would therefore ask that the proposed CIL rates are reviewed to include an appropriate viability cushion once the above recommendations are taken into account.</p>	<p>Existing evidence of using build cost adjusted to a local build costs scenario to be presented and independent verification on the proposed build cost rate has been sought and details available in the DTZ report – PDCS Response.</p> <p>The appraisal allows for sufficient buffers in a number of areas and is considered adequate. The further modelling demonstrates these buffers clearer.</p>

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			<p>DTZ attempt to justify the proposed viability cushion of 10 – 20% as they claim to have mitigated against additional costs above those assumed through in-built viability buffers in the appraisals such as:</p> <ul style="list-style-type: none"> <li>-Testing affordable housing at 30% when the maximum level of affordable housing typically achieved is below 20%. It would be contrary to both the CIL Regulations and Guidance to set CIL Charging rates based on evidence which is not policy compliant, i.e. appraisals using 20% as opposed by policy compliant 30%. DTZ also suggest" a reduction in affordable housing requirements to this level would mitigate the effects of higher build costs on viability.</li> <li>-An allowance of £247,000 per ha for abnormals, DTZ outline "<i>the actual level of abnormals could fall below this figure, thus cushioning the effect of an increase in build costs</i>". Whilst this may be true, it may also be the case that the level of abnormals could exceed this figure. It is considered £247,000 is a relatively low figure and therefore it is not considered this contributes to an 'in -built viability buffer'.</li> <li>- Developer's profit – profit levels at 20% of GDV have been set however DTZ suggest savings on profit could be made through a lower profit level on the affordable element of the scheme.</li> <li>- Instalments Policy – DTZ suggest if an instalments policy was introduced, savings on interest charges could provide further insulation against build cost increase. Whilst this may be true, instalments policies can be removed by Charing Authorities at any point and therefore should not be relied upon in terms of viability. Whilst this may be true, it is not for the CIL process to re-set the affordable housing policy of WMDC as outlined above.</li> </ul>	<p>All the assumptions used in the modelling have been revisited and evidenced, including the buffer, developers profit, abnormals allowance, professional fees, etc.</p> <p>Noted. A draft instalment policy has been prepared for comment on at the DCS consultation stage.</p>

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			<p>DTZ state "Site sizes greater than 3ha have not been tested as in such circumstances we would expect the delivery of development together with payments for land, S106 and CIL to be phased in plots unlikely to exceed the highest of the plot sizes listed (i.e. 3ha)". This is concerning as we feel this is not a true reflection of the sites which may come forward as part of the housing land supply. This is evident within the Wakefield Site Specific CIL Testing Preliminary Assessment prepared by DTZ for the Council in September 2013 which demonstrates a number of sites above 3ha which do not have headroom available for CIL (see table 3.2 Mid Value area sites).</p> <p>This unusual approach also means the infrastructure allowances/enabling costs are not accurately reflected. To add to this, the time taken to complete the developments over 3ha also hinders viability further as it can make them more difficult to deliver and as such, results in higher costs. The exclusion of sites above 3ha somewhat distorts the viability results and devalues the recommendations made and reflective rates proposed.</p> <p>Linden is of the view that the S106 assumption (£1,000 per dwelling) is too low and unrealistic. This assumption somewhat under-values the costs involved and therefore does not give a true reflection of the headroom available for CIL within the viability appraisals. DTZ outline <i>this is based on research of S106 agreements in Wakefield</i>" however it is unclear what evidence base there is to support this.</p> <p>The CIL Guidance states that "<i>for transparency, charging authorities should have set out at examination...the extent to which they have met their section 106 targets</i>"</p> <p>Similarly, the professional fees assumption is too low at 6%; we would recommend a more realistic fee of 10% is applied to the residential viability</p>	<p>The further viability modelling includes testing of different site sizes.</p> <p>Further S106 analysis has been undertaken in building this evidence base and updated evidence is presented in the DTZ PDCS Response Report.</p>

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			<p>appraisals.</p> <p>It is the case that WMDC has historically struggled to deliver affordable housing. In order to maintain a healthy land supply it is important that development is actively facilitated and encouraged and certainly not put at risk. This is the clear steer of the NPPF, and indicates the need for a cautious approach with the application of CIL.</p> <p>The numerical inputs of the Viability Study are generally considered to be reasonable however there are some background assumptions that need to be re-tested. Our clients would therefore like to see these changes incorporated in to the appraisals and re-run.</p>	
CILPDCS36 Heather Lindley	Savills on behalf of Clerical Medical Managed Fund	3.	<p>No. There is a risk that imposing significant liabilities in relation to commercial development such as retail, will act as a deterrent to investment within the District. This could affect the ability to meet the retail requirements of the local population as well as the overarching objective to secure economic growth.</p> <p>Ings Road Retail Park is an established commercial location within Wakefield, adjacent to the City Centre and therefore future development at the site would utilise existing shopping patterns and provide genuine opportunities for linked trips to take place. This is not recognised in the current draft Charging Schedule, as established commercial or accessible sites outside Wakefield City Centre are not differentiated from those which would trigger a requirement for new infrastructure.</p> <p>The Draft Charging Schedule is supported by the Economic Viability Evidence produced by DTZ. The Evidence recognises the importance of ensuring that local authorities should strike an appropriate balance between desirability of funding infrastructure and the viability of development. The Evidence also</p>	<p>Comments noted.</p> <p>Evidence used for retail / commercial values to be verified and presented by DTZ for the DCS stage. The retail charges proposed are for retail warehouses and large supermarkets over the threshold proposed.</p>



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			<p>makes reference to Paragraph 173 of the NPPF which states that the costs of any requirements likely to be applied 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.</p> <p>In light of the above, we would request that the liability proposed in respect of retail floorspace should be reduced in order to maintain viability for development proposals and ensures that Wakefield remains an attractive location within which to invest. The evidence used to support the Draft Charging Schedule is considered to overestimate commercial values and as a result, the current liabilities proposed are anticipated to significantly impact on investment potential in the City. The impact of the liabilities will be to trigger stagnation in commercial development in Wakefield effecting retail choice and job creation.</p> <p>Should the Council decide to proceed with applying a liability in respect of retail development outside the City Centre, we strongly request it does not exceed the level established in the draft Charging Schedule.</p> <p>Our client supports the Council's proposed nil rate for Class A3-A4 uses in the District. Such uses are unlikely to generate a material requirement for new infrastructure and contributions would affect their viably.</p>	
CILPDCS37 Mr Matthew Spilsbury	Turley Associates on behalf of SSL	3.	No. Council consider the response given to question 1 as also applying to question 3.	Comments noted. Evidence for the DCS stage will be presented and updated where relevant to address comments received.
CILPDCS39 Mr Andrew Rose	Spawforths on behalf of CIL Consortium	3.	No. The Consortium support the principle of CIL but it needs to be fully evidenced with a rigorous and robust evidence base, which needs to be	Comments noted.  The further viability

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			<p>thoroughly reviewed in light of the comments in this representation.</p> <p>The residential market in the Yorkshire and Humber region continues to show very modest growth. Due to the nature and scale of a number of the Residential allocations and Special Policy Areas allocations of the WMDC Local Plan, sites larger than 3 hectares should be assessed.</p> <p>Analysis against the City Fields Phase 1 Economic Viability identifies understatement of likely development costs. Additional costs of £701,000 per hectare highlighted above should be included within the site assessments, and realistic benchmark land values should be used within the site assessments undertaken by DTZ.</p> <p>The impact of the above on the assessments made by DTZ would result in the conclusion that the introduction of CIL at the levels proposed will threaten the ability to develop sites and the scale of development identified in the Council's Local Plan.</p>	<p>modelling undertaken strengthens the position of introducing a CIL charge in Wakefield for some development types. The rates are considered to be set at a level to assist in the delivery of infrastructure to support the planned growth of Wakefield in the Local Plan whilst encouraging new development in the district. The rates are not proposed the maximum level that the viability modelling indicates could be achieved to strike the right balance.</p>
CILPDCS40 Ms J Cannon	Individual	3.	<p>No. Comments made regarding the success of Castleford market area, junction 32 outlet, housing estate, Asda, school / college and supply of free car parking, train system is an integrated system, CIL will not replicate this model.</p> <p>Comments made regarding the Council disposing of Thornes park College for housing.</p>	<p>Comments noted. The monies from CIL will help pay for the needed infrastructure across the district to</p>

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				support the growth of Wakefield. CIL will not pay for any infrastructure type or project in full; this is not the intention of CIL. Thornes Park College is not an allocated housing site in the Councils adopted Local Development Framework.
<b>Question 4 – ARE THERE ANY PROJECTS OR TYPES OF INFRASTRUCTURE THAT SHOULD BE INCLUDED ON THE DRAFT REGULATION 123 LIST?</b>				
CILPDCS2 Mr D Legwood	Resident	4	Money should be spent on repairing the roads.	Some road infrastructure projects are included on the preliminary draft Regulation 123 list. Monies raised from the CIL should be spent on infrastructure to support the growth of an area.
CILPDCS 11 Dr S Atkin	Resident	4.	Projects to combat poor air quality required as any development only makes things worse.	The draft Regulation 123 list does include Green Infrastructure items. However measures required to

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				make a development acceptable in planning terms should be dealt with the continued use of S106 agreements and planning conditions.
CILPDCS12 Dr S Clark	Wakefield District Cycle Forum	4	The list does not indicate the priority given to each section. Priority should be given to public and sustainable transport infrastructure such as the pedestrian and cycle networks and public transport schemes as this will have most beneficial effects on public health and the environment.	Comments noted. The draft Regulation 123 list does not identify priorities for spending or apportion fund to particular projects / infrastructure types. The Governance arrangements of CIL will make these decisions involving the Council partners and in consultation with local communities.
CILPDCS13 Mr M Long	West Yorkshire Combined Authority	4	It may be beneficial to include a generic line in the Reg 123 list that allows significant rail improvements to use CIL as the costs of such schemes are generally too expensive for single developments (or a pool of 5 developments) to fund through S106.	Noted. Draft Regulation 123 list to be reviewed and updated for DCS stage. Public transport schemes are included.
CILPDCS15 Mrs T Rios	Highway Agency	4	123 list includes local schemes but not capacity improvement schemes at junctions on strategic road networks. Approach with other Councils has been to include them in the Infrastructure Schedule but not on the 123 list.	Comments noted. S106 agreements will continue for on-site

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			Assumed capacity improvement schemes on the strategic road network related to specific developments will continue to be covered by S106.	measures which would include highway works such as local junction improvements, access into the site, etc. CIL monies will be used to deliver strategic infrastructure requirements across the district.
CILPDCS17 Andrew Piatt	Gateley LLP on behalf of Yorkcourt Properties.	4.	The Regulation 123 list fails to provide adequate detail of infrastructure schemes. Aside from the four named road schemes and the two named public transport schemes, all of the other items are generic and not specific infrastructure projects. Those items in the list, therefore, operate merely as a tax and not in relation to delivery of identified and required infrastructure.	The Regulation 123 List can include generic types of infrastructure however S106 contributions should not be sought on any specific projects in that category. The Regulation 123 list has been updated for the DCS consultation stage and schemes are listed.
CILPDCS19 Mr T Riverio	Network Rail	4	Interchange improvements at Castleford and Pontefract Monkhill are noted and supported. Network Rail is not funded to carry out access improvements at stations, schemes must look to source a third party funding. Access for All Budget is limited and is subject to a bidding process. Wakefield Kirkgate is a candidate for improvements, all stations in the district should be covered by an item on the infrastructure list. Wish disabled access improvements at railway	Comments noted. Regulation 123 list has been reviewed and updated for the DCS stage, please refer to this. Improvements to

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			stations to be added to public transport schemes.	the districts rail infrastructure and train stations is listed unless where this is required as a direct result of an adjacent development.
CILPDCS21 Mr I Smith	English Heritage	4	Welcome the identification of public realm improvements and local community and cultural facilities being included as potential schemes. Several of the schemes identified in the CIL Infrastructure Delivery Plan if implemented would be likely to help improve the historic environment of Wakefield and address some of the areas of the District where the historic environment is under particular threat.	Comments noted. The draft Regulation 123 List includes public realm improvements.
CILPDCS22 Mr I Stuart	West Yorkshire Police	4	Policing should be covered by specific note within the Preliminary Draft Regulation 123 List, as a type of infrastructure which should funded by the Community Infrastructure Levy. Safe communities are a pre-requisite to achieving sustainable communities. Whilst a degree of criminal and anti-social behaviour can be designed out of new development, design measures alone will not address policing and community safety fully.	Comments noted. List to be revised and updated for the DCS stage. Policing is listed under Community safety and health facilities.
CILPDCS24 Mr T Chalkley	Individual	4	Road safety projects such as speed attenuation and Safety Crossings	Comments noted. The regulations require CIL monies is spent on infrastructure to support the development of an area.
CILPDCS26 Mr N Sandford	Woodland Trust	4.	Trees and woods, as part of green infrastructure, should also be taken into account and included in the Regulation 123 List, as this is the infrastructure types which your Council proposes to fund through CIL.	Comments noted. Updated draft list details Green Infrastructure.

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CILPDCS27 Mr M Johnson	Yorkshire Ambulance Service	4.	Request that the Preliminary Draft Regulation 123 List includes Ambulance Service requirements. Funding is required to allow the Ambulance Service to align their services with new residential development delivered over the plan period. New response stations that comprise a small area of hard-standing for an emergency response vehicle and a small modular building for staff to be based in when waiting to respond to incidents, will be required within or close to new urban extensions or large new residential sites.	Comments noted. New ambulance hub and response stations are currently listed under Community safety and health facilities.
CILPDCS28 Mr C Dyer	Thomas Eggar on behalf of Asda.	4.	Reg 123 list, makes it clear that any site specific green infrastructure or network improvements, not listed, that are needed to mitigate the impact of the development and to make it acceptable in planning terms, may still be required to be funded through section 106 and section 278 agreements.	Noted. The draft Regulation 123 list clarifies the continued use of S106 legal agreements for on-site measures to make a development acceptable in planning terms.
CILPDCS32 Mrs L Whitaker	FSB Wakefield	4.	FSB would support the CIL being used to fund projects that support start-up and young businesses. For example, projects which provide affordable workspace or industrial premises for sole traders and micro sized businesses, and projects which encourage and support individuals to start their own business.	Comments noted. CIL monies are required to be spent on infrastructure needed to support the development on an area. Should support would be delivered through other funding / grant schemes.
CILPDCS39 Mr Andrew Rose	Spawforths on behalf of CIL Consortium	4.	No, but the Regulation 123 List should be reviewed in light of our comments in Section 3 (of the full response) and the potential for double dipping.	Comments noted. The Regulation 123 list has been updated and

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			<p>The IDPE produced for the consultation is informative and whilst it indicates projects that CIL could fund, the list is split into sectors and is not prioritised, which is required for the Regulation 123 list. The IDPE is over a year old and therefore does not reflect the current position with certain projects.</p> <p>Greater clarity and transparency is needed in regard to how this list of infrastructure projects has been arrived at, how the costs have been calculated and the potential sources of other funding to deliver it. The Consortium is concerned that the IDPE at present is an aspirational document with a list of projects as opposed to a route map for delivery of essential infrastructure. Accordingly, it does not provide a sufficiently reliable basis upon which to form a view on the soundness of the proposed Charging Schedule and levels. The Consortium believes that further work is required to update the document, and adequately relate the list of infrastructure projects, their potential funding and the delivery of the levels of growth proposed under the Development Plan.</p> <p>The Consortium is aware that the Council are very proactive in sourcing additional funding but the IDPE includes some projects which could be delivered in whole or in part via other funding sources, such as the West Yorkshire Plus Transport Fund. These include Wakefield Eastern Relief Road (£35m) and Pontefract Northern Road (£5m), which may be delivered in their entirety through the WY+TF. The Leeds City Region Growth Deal has been announced which includes provision for the West Yorkshire Plus Transport Fund. However these projects are also listed in the Regulation 123 List and in the IDPE with a net funding gap.</p> <p>We are concerned therefore that there is the potential for "double dipping " and the identified infrastructure funding gap is consequently over estimated. This needs to be reviewed in light of the Growth Deal announcement, particularly as the size of the funding gap is now much reduced, and it should be updated in</p>	<p>includes a section on the continued use of section 106 legal agreements.</p> <p>Infrastructure delivery plan evidence (IDPE) update has taken place and details are available for the DCS consultation stage.</p> <p>The identified funding gap has increased following the recent IDPE update. It is still considered conservative as it does not include the education shortfall based on growth set out in the Local Plan.</p> <p>Primary and secondary infrastructure education</p>



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			<p>the next version of the Charging Schedule.</p> <p>Similarly, the Regulation 123 List also appears to seek contributions towards education provision whilst also allowing site specific contributions through pooling Section 106 obligations. This contravenes the Regulations and Guidance and is "double dipping". The phrase "or as a result of no more than 5 separate planning obligations" should be deleted. Education contributions should be either via CIL or Section 106 agreements, the Regulations do not allow for both unless clarity is given over how they are differentiated.</p>	<p>infrastructure will be delivered via CIL 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. The Regulation 123 list has been updated to reflect this and to make it clear there is no double dipping.</p>
CILPDCS40 Ms J Cannon	Individual	4.	<p>Maybe Tesco should have been allowed on the Marsh way development instead of Sainsbury's which should never have left Ings Road site in the first place? Why have previous Empire Stores land site not been developed?</p>	<p>Comments noted. The Local Plan sets out the scale and location for growth / development in the district. These questions are in relation to the location of development and take up of sites and are answered by the introduction of CIL been considered.</p>
CILPDCS41	Natural England	4.	Access to natural greenspace, allotment provision, Infrastructure identified in the	Comments noted. The

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Merlin Ash			local Rights of Way Improvement Plan, Infrastructure identified by any Local Nature Partnerships and or BAP projects, Infrastructure identified by any Green infrastructure strategies, Infrastructure identified to deliver climate change mitigation and adaptation, 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.)	Regulation 123 list has been updated for the DCS stage. The list includes Green Infrastructure.
CILPDCS42 Abdul Gaffar	Environment Agency	4.	<p>There are a number of future schemes on the Medium Term Plan (MTP) for Wakefield Council that the CIL could potentially contribute towards in terms of development costs and future maintenance, where these are related to proposed growth. We ask that you consult your drainage department for further information on the schemes, such as project costs and funding gap information.</p> <p>Flood Management schemes that have already been completed, such as Calder FAS and Ings Beck Scheme, could benefit from CIL contributions for on-going maintenance, such as de-silting programmes. Given that the completed schemes are important for the regeneration and growth of the area, on-going maintenance and how the costs for this might be supported should be considered as a potential infrastructure cost and thoughts given towards funding this. Your drainage department may be able to provide further information on this.</p> <p>We are happy to see 'Quantity and quality green infrastructure improvements' included on the current Regulation 123 list. However this seems generic and you might want to consider if listing green infrastructure in general terms may limit funding from other sources.</p> <p>There is an opportunity through the provision of green infrastructure to enhance the setting for the regeneration and growth of Wakefield's economy. Areas with high quality environments are better placed to attract and retain high value private sector employers and employees. Additionally the benefits accruing from</p>	Comments noted. The Council's drainage section has been involved in the recent IDPE update. District wide drainage and flood infrastructure has been identified on the Regulation 123 list. On-site drainage and or flood mitigation will continue to be addressed by S106 agreements.

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			green infrastructure investments are long lasting and cumulative in nature.	
<b>Question 5 – SHOULD THE CHARGING SCHEDULE BE ACCOMPANIED BY A POLICY FOR DISCRETIONARY RELIEF / EXCEPTIONAL CIRCUMSTANCES RELIEF?</b>				
CILPDCS2 Mr D Legwood	Resident	5	Yes	Noted. Council to consider developing a policy. A draft policy has not been developed to date. CIL best practice recommends considering such a policy if required and when CIL is adopted. The policy would only be used in exceptional circumstances; these circumstances should be rare and should not constitute state aid. Such a policy can be activated or deactivated once a charging schedule is in place.
CILPDCS3 Mr G Hall	Individual	5	Yes.	Noted, Council response as above.

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CILPDCS5 Mrs Susan Eustace	Individual	5	Yes.	
CILPDCS 11 Dr S Atkin	Resident	5	Yes.	Noted. Council response as above
CILPDCS12 Dr S Clark	Wakefield District Cycle Forum	5	No.	Noted, no reason provided.
CILPDCS18 Erica McDonald	Individual	5	Yes.	Noted. Council response as above.
CILPDCS21 Mr I smith	English Heritage	5	Yes.  We consider CIL relief should be offered where the requirements to pay CIL would have a harmful impact on the economic viability of developments which involve heritage assets particularly those which are at risk.	Noted. Council response as above.
CILPDCS22 Mr I Stuart	West Yorkshire Police	5.	Yes.	Noted. Council response as above
CILPDCS24 Mr T Chalkley	Individual	5.	Yes.	Noted. Council response as above
CILPDCS28 Mr C Dyer	Thomas Eggar on behalf of Asda.	5.	Yes. We would urge the Council to adopt such a policy. By adopting Exceptional Circumstances Relief, the Council will have the flexibility to allow strategic or desirable, but unprofitable, development schemes to come forward, by exempting them from the CIL charge or reducing it in certain circumstances.	Noted. A policy will be considered, to be considered at a later date, likely to be after the introduction of CIL.
CILPDCS32	FSB Wakefield.	5.	FSB would prefer more automatic exemptions to the CIL rather than	All the exemptions are

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Mrs L Whitaker			<p>Discretionary Rate Relief. FSB would advocate an automatic exemption for developers and house builders that employ less than fifty people and who need to expand the size of their business premises to accommodate their growth.</p> <p>The FSB agrees that Discretionary Rate Relief should be available to ensure that projects which do not fit a particular category, are able to apply for Rate Relief. There should be a policy in place on which to base decisions on Discretionary Rate Relief.</p>	set out in the CIL regulations. The charging Authority cannot add in exemptions as such. Development types can only be exempt based on economic viability evidence which could suggest a zero rate / currently unviable to charge certain types of development.
CILPDCS35 Rebecca Housam	Savills on behalf of Linden Homes	5.	Linden strongly encourages WMDC to adopt a policy on exceptional circumstances for relief from CIL. This too should be published as soon as possible to enable sufficient consultation ahead of the Examination stage.	Noted. A draft policy has not been developed at this stage. The Council will consider whether such a policy is required.
CILPDCS36 Heather Lindley	Savills on behalf of Clerical Medical Managed Funds.	5.	In addition, we request that to ensure that the Wakefield CIL aids the process of economic growth and does not adversely impact the delivery of development; a necessary framework should be established as part of the Schedule to assess its viability in respect of individual proposals. There should be an opportunity for applicants to provide evidence relating to the viability and deliverability of a chargeable amount. If such evidence would demonstrate that the charge would have an unacceptable impact on the delivery development, but the development would have wider material positive social and economic benefits, the Council should be in a position to waive the CIL.	Comments noted. The CIL charge would be mandatory once introduced and none negotiable. Exceptions would only be permitted through an exceptional circumstances policy
CILPDCS37	Turley	5.	Yes. SSL strongly advocates that the Council introduces a policy for	Noted. The Council will

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Mr Matthew Spilsbury	Associates on behalf of SSL		discretionary relief from CIL liability in exceptional circumstances.	consider such a policy.
CILPDCS39 Mr Andrew Rose	Spawforths on behalf of CIL Consortium	5.	Yes, the Consortium's response is in Section 5.  The Consortium are concerned that details of a discretionary and exceptional circumstances relief policy has not been published alongside the PDCS to indicate how the approach to CIL would be undertaken in the Authority area. This is important, particularly where CIL may impact on the viability of a scheme.	Noted. The Council will consider such a policy. A policy can be introduced after CIL is adopted. Such policy is not examined.
CILPDCS40 Ms J Cannon	Individual	5.	No. Is this the equivalent of the so-called brown envelope perks associated with unscrupulous council members that was prevalent in some regions?	The CIL regulations permit introducing a policy which would avoid rendering sites with specific and exceptional cost burdens unviable should exceptional circumstances arise.
<b>Question 6 – ANY OTHER COMMENTS ON THE PDCS?</b>				
CILPDCS6 Mr James Copeland	Local Representative of National Farmers Union	6	Agricultural developments place no or in a few cases a very limited extra burden upon infrastructure. CIL is essentially a levy on the enhanced value of development land. There is no enhanced land value with agricultural development and therefore the CIL would have to be paid from revenue making all/most agricultural development unviable. Table 1 of the PDCS does not include agriculture having a set charge. – To ensure it is clear and fair it is suggested that agriculture, agriculture tied houses and barn conversions is included and set to £0. Concerns that it has the potential to capture buildings such as Hay Barns, Livestock sheds, Agriculture Tied Houses and Barn Conversions the	The proposed charges would apply to residential development, large supermarkets over the threshold set and retail warehouses. The charges proposed are set based on economic viability evidence. No charges are proposed

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			development of which has no viability. For this reason it is proposed to set agricultural at £0."	to general agricultural works, unless the works would fit into the above categories. Barn Conversions can be viable / profitable developments. The further viability testing highlights the assumptions used and the conservatisms in setting the CIL rates. The amended CIL regulations do permit self-build exemptions, which may include agricultural tied dwellings.
CILPDCS7	Denby Dale Parish Council	6	The Full Council resolved to receive the above consultation report but made no further comment on it, as it is not within the Denby Dale Parish area.	Comment noted. This Parish Council is not located within the district.
CILPDCS8 Miss G Lockwood	Resident	6	If this letter means higher taxes, higher rates, more buildings, houses, flats and cars destroying our green and pleasant land, no rights for us, our wildlife and no rights for us to live in peace the answer is NO. The only building the Stanley people want is a new church and our religion which has been taken away from us.	CIL would be a charge on new development in the district. The monies raised from CIL would help pay towards the needed infrastructure of the district, to support the

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				planned growth as identified in the adopted Local Plan.
CILPDCS9 Ms Lora Hughes	Leeds City Council	6	<p>The Wakefield PDCS residential rates of £55 or £33 per square metre along the boundary with Leeds are broadly similar to the Leeds £45 rate and are therefore considered to appropriately reflect the local markets where they overlap across the boundary.</p> <p>A 10% reduction from the potential maximum set out in the DTZ viability study has been used as a 'buffer'. It is considered that this is appropriate due to the caution and contingencies used within the Study's assumptions. Leeds CC also applied a 10% buffer and awaits the Examiner's comments on this approach.</p> <p>It is considered that the rates proposed for the other uses are appropriate to the modelling undertaken and for example, there is a clear difference in viability of office development between the two authority areas. Leeds City Council has proposed a £5 psm rate for all other uses where the Wakefield rate is proposed at zero; but it is not considered that this small difference would affect the location of development compared to other market factors.</p> <p>In conclusion it is not considered that there would be any cross-boundary implications for either authority. Leeds City Council therefore supports the Wakefield Preliminary Draft Charging Schedule as setting the appropriate balance between viability and gaining infrastructure funding.</p>	Comments noted, in support of rates proposed. Considers Wakefield has achieved the appropriate balance.
CIL PDCS10 Mr J M Donlon	Individual	6	CIL is to replace S106 cash from developers but is it still bribery by a different name? How can any important planning decision be considered impartial and balanced when there is a big pile of cash from a Developers Levy or the Government New Home Bonus scheme sitting on the table?	CIL is not to replace S106 agreements. Only the pooling element of S106 will alter and they will remain for securing



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			<p>Unacceptable that the cumulative affects of development are being discounted, refer to hearings for wind turbine application and Wakefield Air Quality Report.</p> <p>Planners are already showing considerable bias in their judgement and should get their priorities right before implementing the CIL, concerns regarding: The way planners are assessing the needs of the local community. The NPPF (point 14) states that "local authorities should meet the objectively assessed needs of local communities" but residents of WMDC are not being properly informed as to the criteria involved in that assessment.</p> <p>Other comments not related to CIL made regarding:</p> <p>Neighbourhood plans Determining of planning applications and assessment of objections / material considerations Way planners are interpreting considerations such as precedent, alternatives and efficiency –especially in regard to development on greenfield sites and in the Green Belt.</p> <p>Wind turbines and assessment of applications. CIL does not seemingly include wind turbine and other renewable energy schemes. Community compensation should be in addition to any infrastructure requirements or repayments and, as with other developments; the money should be spent in the local neighbourhood (as opposed to the District as a whole).</p>	<p>affordable housing contributions and on-site measures required to make developments acceptable in planning terms.</p> <p>Comments made regarding planning decisions, planners, Localism Act and determining applications are not related to CIL consultation and have been forwarded to the relevant parities for information.</p> <p>There is no CIL charge proposed for renewable energy infrastructure. Any site specific measures required to make a planning application acceptable would be addressed by a S106 agreement. The proposed CIL charges</p>

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				are set based on economic viability evidence. The CIL regulations only permit charges against new gross internal floor space and conversion of buildings subject to the criteria set. Wind turbines are exempt.
CILPDCS13 Mr M Long	West Yorkshire Combined Authority (WYCA)  Delivery committees: Investment and Transport to date.	6	Support the principle. Rates – influenced by viability opposed to funding gap. Funding gap will not be met. Prioritisation will be required. Prioritisation – clear protocol needed, option of dividing the monies between different sectors for them to then prioritise. The transport schemes must be aligned with the transport strategy for West Yorkshire. Use of S106 – WYCA receive funding though S106 contributions, <i>current asks</i> from development would remain S106 and therefore would not need to be on the regulation 123 list.	Comments noted. CIL on its own will not address the identified funding gap; other funding sources will be required. The Council will need to agree in conjunction with relevant parties the priorities for spending.
CILPDCS14 Mr D Plaut	Walton Parish Council	6	Comments made regarding production of neighbourhood plan and entitlement to 25% of CIL from development raised in that area once adopted. Wish to be involved in the development of the spending and governance mechanisms for such distribution.	Comments noted. The neighbourhood portion of the levy can be spent on a wider range of things, provided it meets the requirement to 'support the development of the area'. Parish Councils

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				are required to work closely with the charging authority to agree infrastructure spending priorities. They are required by the CIL regulations to publish accounts annually, details of funds through the levy.
CILPDCS15 Mrs T Rios	Highway Agency	6	The CIL infrastructure deliver plan evidence report prepared by DTZ does not include any schemes on the Strategic Road Network necessitated by growth in the demand for travel generated by continued development, approach is to ensure capacity enhancement schemes (existing traffic and forecast growth) are included on the Infrastructure Schedule. List / details of improvement schemes required provided, to be implemented by following dates 2015, 2018 and 2028.	Comments noted. An IDPE update has taken place. A number of improvement schemes required to the strategic road network are identified.
CILPDCS16 Miss R Bust	Coal Authority	6	Having reviewed the document, I confirm that we have no specific comments to make at this stage.	Noted.
CILPDCS18 Erica Mcdonald	Individual	6	The charging categories are rather broad and therefore lack clarity in respect of some use categories. For example what approach is taken to sui generis uses such as garden centres and car dealership showrooms?	Comments noted. The charges proposed for the CIL are for residential development, retail warehouses and large supermarkets Unless developments fit into

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				those development types there would be no charge. An all other uses category with a rate of £0 has been added to the charging schedule proposed rates table.
CILPDCS22 Mr I Stuart	West Yorkshire Police	6.	Only continuous review of charging levels will determine whether the proposed balance is correct, and not counterproductive in terms of potentially discouraging new development.	Comments noted, relates to information provided under question 3. In introducing a CIL, it is a requirement to strike the appropriate balance between securing funds to provide the required infrastructure and encouraging new development. CIL if introduced will be monitored in line with the requirements of the. As the market improves it could potential lead to CIL rates increasing if when revisiting the economic viability work

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				it supports this.
CILPDCS23 Mrs J Harrison	CLA	6	The DTZ viability assessment 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, Request that agricultural workers dwellings are considered separately based on a suitable viability assessment or classified with affordable housing for CIL purposes. CIL should not apply to these dwellings. Evidence is emerging that Councils are taking notice of comments received from CLA on publication of their PDCS and on the publication of the DCS the levy has been reduced to £0m <sup>2</sup> .	Comments noted. Affordable housing would be achieved separate to CIL via the continued use of S106 agreements. There are exemptions in the CIL regulations which include self-built dwellings. Agricultural tied dwellings may fit this criteria. The economic viability work undertaken includes significant conservatisms and there is no current evidence to justify a separate rate.
CILPDCS25 Ms R Freeman	Theatre Trust	6	We note the proposed charging rates at 6.1 and that Cinemas and commercial leisure (D2) will be a nil rate. However, as your theatres are sui generis the table will not take them and other sui generis venues into account. We suggest another row for clarity to show a nil rate for 'All other uses' which is usual in CIL documents.	Comments noted.  An all other uses development type category has been added to the draft charging scheduled proposed rates. The CIL charges proposed are for only residential

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				developments retail warehouses and retail warehouse over the set threshold.
CILPDCS26 Mr N Sandford	Woodland Trust	6.	CIL regulations confirm that the definition of infrastructure in the <b>Planning Act 2008</b> , that 'open spaces' and 'flood defences' are also eligible items for CIL. Woodland Trust would like to see both the CIL and S106 Guide SPD and the Draft Regulations 123 List specifically and clearly include woodland creation as a green infrastructure asset. Woodland creation is a key element of both green infrastructure provision and also has a role in helping solve flood issues.	Comments noted. On introduction of CIL or from April 2015 S106 agreements are restricted to on-site measures to make a development acceptable in planning terms and affordable housing. The draft Regulation 123 list for the DCS consultation stage includes Green and flood Infrastructure.
CILPDCS28 Mr C Dyer	Thomas Egaar on behalf of Asda.	6.	Six areas of objection. Endorse decision to introduce an instalment policy; managing cash flow during development is often key in determining whether a scheme will be successfully delivered. Urge council to consider a payment in kind policy,	Comments noted. The Council is considering an instalment policy, a draft instalment policy has been prepared for comment on at the DCS stage. A payment in kind policy will be considered at the appropriate time.

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CILPDCS29 Mr K Wells	Individual	6.	I urge Wakefield Council to reject the proposal for a Community Infrastructure Levy because it is too complex in its details and any addition to the cost of building risks discouraging new development.	Noted. Monies raised through CIL will help to address the infrastructure gap identified and help to deliver needed infrastructure across the district. The rates are required to be set at a level so not to discourage new development.
CILPDCS30 Mr M Coy	Canal and River Trust.	6.	<p>Comment on the Draft Regulation 123 List - Green Infrastructure (GI) and pedestrian/cycle networks are included within the Draft Regulation 123 List. Inland waterway network is a form of GI and provides pedestrian and cycle routes along the towpaths.</p> <p>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. Concerned that our waterway infrastructure, the Calder &amp; Hebble Navigation, is subsumed within a very broad type of infrastructure, i.e. GI, on the Draft Regulation 123 List. 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. The Trust will aim to identify projects linked to waterway infrastructure improvements that could be included within the Regulation 123 list.</p>	<p>Noted. Answer to question 4 but provided under No. 6.</p> <p>The infrastructure items on the Regulation 123 list would not be able to also seek S106 contributions, as this would amount to double dipping. S106 agreements will continue for affordable housing and measures to make a development</p>

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				acceptable in planning terms. The draft Regulation 123 list has been updated for the DCS stage, please review.
CILPDCS31 Mr E Thomas	Normanton and Altofts Senior Citizen Association	6.	The notion of introducing a compulsory infrastructure levy to the benefit of the whole community is warmly welcomed. In replacing the Section 106 principle it brings certainty and clarity leaving the public informed of developer responsibility and duty.	In support, noted.
CILPDCS32 Mrs L Whitaker	FSB Wakefield	6.	FSB believes that there is a risk that the CIL could result in inflated house prices in the Wakefield District for new build homes if builders and developers seek to claw back the CIL by passing the cost on to the customer.	Comments noted. The Government's intention is that CIL will be factored into land values and reduce them accordingly.
CILPDCS33 Mrs R Wiggington	North Yorkshire County Council	6.	I can confirm that the document does not raise any significant cross boundary issues for the County Council as adjoining infrastructure provider and we therefore have no comments. This is an officer level response.	Noted.
CILPDCS34 Miss F Pudge	Sports England	6.	<p>Sport England welcomes the inclusion of sport, leisure and recreation projects as a separate category in the Funding Schedule.</p> <p>Has the Sports, Leisure and recreation review been completed and does the infrastructure development plan require updating?</p> <p>Sport England is currently liaising with the Council to prepare a PPS using the latest guidance. This PPS will include a site specific Action Plan with priority sites that can be taken forward into the CIL funding schedule.</p> <p>The current planning application for the Wakefield Wildcats RFL stadium at</p>	<p>Relates to Regulation 123 List.</p> <p>Wakefield swimming pool facility assessment carried out in 2013 &amp; swimming pool facility report 2014. Leisure Review for indoor facilities has been</p>



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			<p>Newmarket is intended to be the replacement for the loss of stadium at Belle Vue. As housing has been approved on the Belle Vue site planning policy requires an equivalent or better facility to be provided. I understand the Newmarket application is subject to a s106 agreement that ensures its reprovision. The Council is advised to review the CIL regulations to see if this project can be included in the IDP. This also applied to the proposed housing site at the existing Castelford Tigers ground and the current planning application (yet to be determined) for the replacement stadium.</p> <p>It is not clear where the evidence for the new swimming pool and indoor sports halls has come from. Clarification is required whether there is an up to date and robust Indoor Sports Facility Strategy that assessed existing and future demand and supply of Indoor sports facilities and whether housing growth has been factored into that assessment.</p> <p>Paragraph 3.5 'Proceeds from the disposal of assets'. It is likely that some of the council or other public sector owned assets may be indoor and/or outdoor sports facilities. It is acknowledged an audit of these facilities has not been undertaken yet.</p>	<p>developed. Currently reviewing indoor sport provision and demand for other facilities. A Leisure, Recreation and Open Space Local Plan is being prepared.</p> <p>Noted re. PPS.</p> <p>If infrastructure is to be provided through a S106 agreement a further contribution cannot be sought through CIL as this would amount to double dipping. Depending on the timings of current applications, the current mechanism is S106 agreement until a CIL is adopted.</p>
CILPDCS35 Rebecca Housam	Savills on behalf of Linden Homes	6.	Despite the narrow Regulatory requirements of the Examination, our clients urge WMDC to make clear at the earliest opportunity the supporting documentation needed to operate CIL and to make it available for consultation. Practically, this needs to be done prior to the Examination so that participants and stakeholders are able to comment on the effective operation of CIL. Whilst this supporting	<p>Comments noted.</p> <p>The Council will provide such information on</p>

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			<p>information is not tested at Examination, this information is critical to allow for the successful implementation of CIL and to demonstrate that the CIL has been prepared positively and supports sustainable development.</p> <p>The documentation should include:</p> <p>Guidance on how to calculate the relevant 'chargeable development'/level of CIL;</p> <p>Guidance on liability to pay CIL/Appeals process;</p> <p>Policy for payments by instalments;</p> <p>Approach to payments in kind;</p> <p>Guidance on relief from CIL and a policy on exceptional circumstances for relief from CIL.</p> <p>We strongly encourage WMDC to publish an instalments policy as soon as possible to enable sufficient consultation ahead of the Examination stage. However, as WMDC are able to remove an Instalments Policy at any time, we would recommend that the viability testing does not include phased payments. This will ensure that sites are able to support the proposed CIL rates in the event that an Instalments Policy is not in place.</p> <p>Payment in Kind - It is Savills opinion that this will significantly reduce the application of this mechanism and it is therefore essential that the CIL rate is set correctly, as the application of Payment in Kind will be limited. WMDC should also consider providing details of how, in practice, the operation of Payments in</p>	<p>guidance, proposed policies and review procedure at the earliest opportunity, which is dependent on the resources available. There is existing information on the planning portal website.</p> <p>Such policies can be introduced and removed by the Council following the CIL regulations. A draft instalment policy has been prepared for comment at the DCS stage.</p>

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			<p>Kind may work, notably for infrastructure provision. This might be a useful mechanism to avoid the risk of 'double counting' Section 106/infrastructure provision with CIL.</p> <p>Our client considers that WMDC should have a clearly defined review mechanism and suggest that monitoring takes place on a 6-monthly basis. Monitoring data and reviews should be regularly published, for example on the Councils website. Regular monitoring is key to ensure that CIL does not stifle development in the right locations.</p>	<p>In terms of monitoring, the Council will set out its procedure, in-line with the CIL regulations.</p>
<p>CILPDCS37 Mr Matthew Spilsbury</p>	<p>Turley Associates on behalf of SSL</p>	<p>6.</p>	<p>SSL advocate that the Council introduces an Instalment Policy for payment of CIL liability in order to support cash flow considerations and development viability.</p> <p>SSL advocate that the Council introduces payment in kind (PIK) provisions for the payment of CIL liability by either, or both, land and infrastructure.</p> <p>SSL request that the Council publishes its intentions on the above matters for stakeholder comment alongside the Draft Charging Schedule consultation.</p>	<p>Comments noted. A draft instalment policy is available for comment at the DCS stage.</p>
<p>CILPDCS39 Mr Andrew Rose</p>	<p>Spawforths on behalf of CIL Consortium</p>	<p>6.</p>	<p>The Consortium's response is contained entirely in this report. Section 5 of the report covers Operation of CIL.</p> <p>The Consortium are concerned that details of an Instalments policy has not been published alongside the PDCS to indicate how the approach to CIL would be undertaken in the Authority area. The Consortium would like the detail alongside the PDCS to understand its operation.</p> <p>It is important that any Instalments policy is flexible enough to withstand exceptional and unpredictable circumstances during the development. For</p>	<p>Comments noted.</p> <p>A draft instalment policy is available for comment at the DCS stage.</p>

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			<p>example, it would be unviable to expect developers to contribute high proportions of the CIL tariff at early stages of the development as they may not be receiving adequate revenue. The dates for payments should therefore be phased to reflect the developer's ability to raise the revenue required, similar to how Section 106 payments are staged.</p> <p>A longer, more realistic timeframe in which developers would have to pay the chargeable amount would be more in line with other instalment policies adopted by other Charging Authorities.</p> <p>Whilst the Consortium supports the principle of an Instalments policy, we believe there should be a mechanism which allows negotiation on an individual basis for sites where, in certain circumstances CIL payments may threaten the viability and deliverability of the scheme proposed. The policy should also reflect phasing as outlined in the Guidance which treats each phase of a large scale development as a " <i>separate chargeable development and therefore liable for payment in line with any instalment policy</i> "</p> <p>The Consortium are concerned that details of a "payments <i>in kind</i>" policy has not been published alongside the PDCS to indicate how the approach to CIL would be undertaken in the Authority area.</p> <p>The Consortium considers that the legibility of the CIL Charging Schedule would be enhanced if the Review Mechanisms were set out in the PDCS. At present the PDCS is silent on the review mechanisms.</p> <p>The Consortium strongly urges the Council to have a clearly defined review mechanism and suggest that monitoring takes place on a 6-monthly basis and that this is published. Regular monitoring is important to ensure that CIL does</p>	<p>The background report to the PDCS, on page 12 includes information on monitoring and review of CIL. A review of CIL will take place in accordance with the provision of the regulations and the Council will provide details of the review mechanism at the appropriate time.</p>

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			not stifle development in the right locations.	
CILPDCS40 Ms J Cannon	Individual	6.	Nothing has made Merchant Way apartments saleable so why should CIL be different?	CIL is a charge on new development which the levy raised would help to fund the needed infrastructure of the district.
CILPDCS41 (Ash Merlin)	Natural England	6.	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	Comments noted, they are in support of CIL and a strategic approach to delivering infrastructure.
CILPDCS42 (Adbul Gaffar)	Environment Agency	6.	<p>Welcome the opportunity to work with you on any further work related to the Council's proposed mechanisms for apportioning the CIL revenue and identifying the specific infrastructure items which it will contribute towards. The areas of work we would be interested in include;</p> <ul style="list-style-type: none"> <li>• Any future work/updates on the Infrastructure Delivery Plan or related evidence documents, which includes identifying priorities and infrastructure needs.</li> <li>• The Regulation 123 stage in helping to identify projects or types of infrastructure the CIL may potentially fund.</li> <li>• Consideration of the relationship between CIL and on-going use of S106 related to flood defences and other flood risk solutions.</li> <li>• Any other work related to the spending mechanisms of the CIL and identifying infrastructure needs.</li> </ul>	Comments noted re. involvement in future IDP work and the Governance side of CIL.

# **COMMUNITY INFRASTRUCTURE LEVY: PRELIMINARY DRAFT CHARGING SCHEDULE CONSULTATION SUMMARY OF COMMENTS AND COUNCIL'S RESPONSE 2014**

CILPDCS1 & CILPDCS4 = tests and deleted from portal. No record 38, error occurred in software.