

GREATER NORWICH DEVELOPMENT PARTNERSHIP

**EXAMINATION STAGE:
DRAFT CHARGING SCHEDULE FOR COMMUNITY INFRASTRUCTURE LEVY
FURTHER COMMENTS ON BEHALF OF WM MORRISON SUPERMARKETS PLC
(SEPTEMBER 2012)**

Introduction

On behalf of our clients, Wm Morrison Supermarkets Plc, we have previously submitted objections to the draft Charging Schedule and Preliminary for the Community Infrastructure Levy.

In particular, we strongly objected to the proposed CIL rate of £135/sq.m for (inter alia) retail development greater than 2,000sq.m gross.

We noted that the proposed £135/sq.m levy for retail development (>2,000sq.m gross) development is significantly higher than those being proposed by other LPA's. By way of example, the Districts of Shropshire, Huntingdonshire and Plymouth have adopted rates of between £0 and £100/sq.m m which are significantly lower than the charge being proposed by East Cambridgeshire.

We also objected to the significantly lower CIL rate of £25 for retail developments <2,000sq.m gross will unreasonably favour smaller scale retail developments over larger schemes and appears to support a decision by the charging authority (the Council) to support smaller units which goes beyond viability considerations alone and conflicts with national planning policy guidance. We considered that separate rates for new retail development of different sizes were not reasonable or properly justified, and have the effect of conferring selective advantage within the retail development sector.

Further comments on Differential Charging Rates within the Same Use Class

Since the submission of our previous objections in November 2011 and March 2012, a number of other Local Planning Authorities have received legal advice and subsequently amended their proposed Community Infrastructure Levy rates to ensure that CIL Charging Schedules comply with statutory requirements. Most importantly, the rates have been amended to remove differential charging rates within the same use class.

For information purposes, the following Councils have taken the view that setting a differential charging rate within the same use class does not comply with the statutory requirements for CIL, and have set amended rates or removed rates for retail development:

Borough of Poole: Following objections and consideration at the Examination, the Examiner advised that the Borough of Poole's proposed CIL rate of £200/sq.m for superstores (whilst exempting all other retail development from the levy) would need to be deleted in order for the charging schedule to meet statutory requirements.

Elmbridge BC: The Draft Charging Schedule published in April 2012 had proposed a charge of £125/sq.m for all retail schemes over 280sq.m. For schemes less than 280sq.m a charge of £50 was proposed. However, following the receipt of objections and a response from the Council's advisers, the Council acknowledged in August that it was considered appropriate for the Charging Schedule to be modified to remove the differential rate between larger and smaller retail uses.

Mid Devon DC: The Preliminary draft Charging Schedule had proposed differential rates for retail schemes below 500sq.m (zero charge) and over 500sq.m (£250/sq.m). The revised Draft Charging Schedule recently published now proposes the exemption of all retail schemes from the tariff.

Suggested Change to the CIL Charging Schedule rate for Retail Developments

We previously suggested a change that would apply to all retail developments over 100sq.m. However, having considered the recent decisions made by Councils following receipt of advice on the statutory requirements of CIL, we suggest that the Council should adopt a single rate for all Class A1 retail development.

Unfortunately, we are not in a position to recalculate the figure for the Council. However, we suggest that the Council seeks advice from appropriate advisers, and considers a rate up to a maximum of £100/sq.m for all retail development, and ensures that the revised rate chosen will not harm the viability of proposed retail developments of any scale.