

**Community Infrastructure Levy Regulations 2011 (amended)  
Preliminary Draft Charging Schedule Consultation  
3 October 2011 – 14 November 2011**

**How to respond to this consultation**

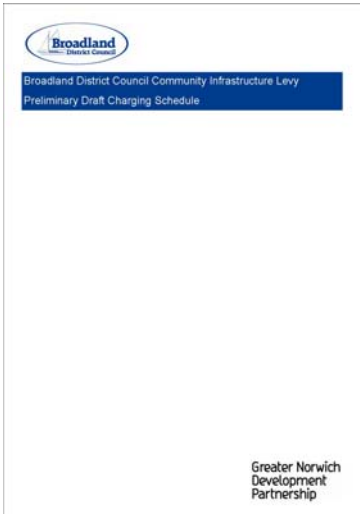
The Community Infrastructure Levy (CIL) is a new levy that local authorities in England and Wales can charge on new developments in their area. The money will be used to support development by funding infrastructure that the council, local community and neighbourhoods want – for example, new or safer road schemes, public transport and walking and cycling schemes, park improvements or a community hall.

The system is very simple. It applies to most new buildings and charges are fixed based on the size, type and location of the new development.

The three councils of Broadland, Norwich and South Norfolk have chosen to work together as the Greater Norwich Development Partnership (GNDP) and adopt a co-ordinated approach to the implementation of CIL. In order to comply with the regulations, three separate Preliminary Draft Charging Schedules have been published for comment. These are almost identical and they share the same evidence base. The only difference in the schedules relates to the geographical charging zones, Norwich is entirely in Zone A and Broadland and South Norfolk include areas in both Zone A and Zone B.

This is the first stage in consultation for setting a CIL for the three districts.

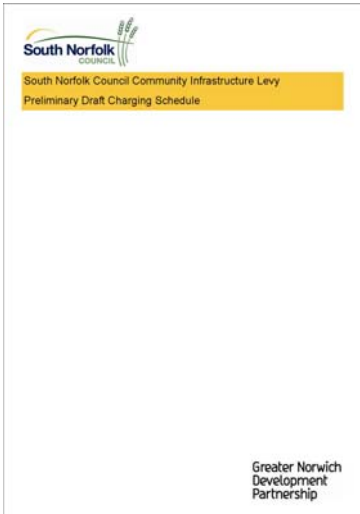
The Broadland District Council Preliminary Draft Charging Schedule looks like this:



The Norwich City Council Preliminary Draft Charging Schedule looks like this:



The South Norfolk Council Preliminary Draft Charging Schedule looks like this:



## Getting involved

The consultation documents are:

- Preliminary Draft Charging Schedule for Broadland
- Preliminary Draft Charging Schedule for Norwich
- Preliminary Draft Charging Schedule for South Norfolk

As part of this consultation a number of documents providing supporting evidence have been published:

- The explanatory document 'Community Infrastructure Levy: Background and Context'
- Viability Advice on a CIL/ Tariff for Broadland, Norwich and South Norfolk (GVA, December 2010)
- Charging Zones Schedule Report (GVA, July 2011)
- Topic Paper: Green Infrastructure and Recreational Open Space (GNDP, June 2011)

There is also earlier background information supporting this consultation:

- Joint Core Strategy for Broadland Norwich and South Norfolk adopted March 2011
- Infrastructure Needs and Funding Study (EDAW/ AECOM 2009)
- Local Investment Plan and Programme for Broadland, Norwich and South Norfolk v4 June 2011

All these documents are available on the GNDP website, at [www.gndp.org.uk](http://www.gndp.org.uk).

The consultation documents and evidence can be viewed at each of the district council offices.

The consultation documents will also be available at libraries, at the Broads Authority offices and at the Norfolk County Council offices at County Hall. Where facilities are available evidence can be accessed via the GNDP website, [www.gndp.org.uk](http://www.gndp.org.uk).

The Department of Communities and Local Government has produced a helpful guide to the Community Infrastructure Levy that can be found on their website:

<http://www.communities.gov.uk/publications/planningandbuilding/cilsummary>

## You can respond to this consultation by email or by post:

The Preliminary Draft Charging Schedules and the supporting evidence are open for six weeks of consultation from **3 October 2011** to **14 November 2011**. Consultation responses must be received by **5pm** on **Monday 14 November 2011** in order to be considered.

A response form is available on the GNDP website at [www.gndp.org.uk](http://www.gndp.org.uk). If possible, please use this form to assist us in analysing your response and in publishing them correctly.

For more information contact the GNDP:

**tel:** 01603 430144  
**email:** [cil@gndp.org.uk](mailto:cil@gndp.org.uk)

When responding to the consultation you can comment on one, two or all three schedules. You can:

- Use one form to comment on the Preliminary Draft Charging Schedule for one district using one response form, or to give the same comment on the Preliminary Draft Charging Schedules for two or all districts or,
- Use more than one form to give different comments for each district's Preliminary Draft Charging Schedule that you are commenting on

Please note that comments cannot be treated as confidential. All responses to this consultation will be made available as public documents. Unfortunately we are only able to acknowledge emailed responses, but all comments will be carefully considered.

## Forms and comments can be:

**emailed to:** [cil@gndp.org.uk](mailto:cil@gndp.org.uk)  
**posted to:** GNDP, PO Box 3466, Norwich, NR7 7NX  
**hand delivered:** to your local district council office:

- Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Norwich NR7 0DU
- Norwich City Council, City Hall, St Peter's Street, Norwich, NR2 1NH
- South Norfolk Council, South Norfolk House, Swan Lane, Long Stratton, NR15 2XE

## Evidence

Please use this section to give us any comments you have on the evidence:

- The explanatory document 'Community Infrastructure Levy: Background and Context'
- Viability Advice on a CIL/ Tariff for Broadland, Norwich and South Norfolk (GVA, December 2010)
- Charging Zones Schedule Report (GVA, August 2011)
- Topic Paper: Green Infrastructure and Recreational Open Space (GNDP, June 2011)

**Question 1:** Having considered the evidence do you agree the appropriate balance between the desirability of funding from CIL and impacts on the economic viability have been met?

Yes  No

Please add any comments below

**We would add the caveat "insofar as the Regulations allow". Because CIL is a 'specific' (i.e. £ rather than %) levy on space built (rather than land value) and viability is determined on the basis of an average development, there are potentially disadvantageous effects on residential developments in areas of relative low land value (i.e. outside the city centre) that adopt a compact approach to land use, with a greater ratio of built space to private outdoor space. These potentially face a higher effective tax rate on land compared with more wasteful land uses where value is predicated on the provision of meanly-proportioned homes, large gardens and low plot densities (what we understand by "average" development). The effect is not to make development per se unviable but to create a distortion against more compact forms of development in lower-land value locations. Developers that wish to pursue such an approach will, in effect, be required to subsidise the CIL costs of doing so from developers' profit, discouraging innovation.**

**We would add a second caveat that there needs to be a backstop on the level to which the provision of affordable housing, which effectively becomes the balancing item in viability assessments under the draft proposals, can be allowed to fall in any development, otherwise the affordable housing crisis in the area will simply worsen. There is already a risk that the 20% figure used in the GVA viability assessment will become a shadow policy around which developers keen to minimise AGH provision will organise their demonstrations of viability; it is important that this is clearly seen as no worse than a minimum below which, viable or not, developments will not be allowed to sink.**

My answer applies to (please tick one or more of the boxes):

Broadland  Norwich  South Norfolk  All

**NOTE** In accordance with CIL regulations, the charging rates proposed in the Preliminary Draft Charging Schedules aim to balance the need to fund infrastructure in Greater Norwich with the potential impact on the economic viability of development. Any comments suggesting a variation in the rate of CIL should be justified by viability evidence.

### Geographical zones

Please use this section to give us any comments about the boundaries of the geographical charging zones shown in appendix 1 of the Preliminary Draft Charging Schedule

### Non-residential development zone boundary

**Question 2:** It is intended that, for non-residential development, one charging area will apply to the administrative areas of Broadland District Council, Norwich City Council and South Norfolk Council. Do you agree with this approach?

Yes  No

Please add any comments below

My answer applies to: (please mark one or more of the boxes):

Broadland  Norwich  South Norfolk  All

### Residential development zone boundaries

**Question 3:** The viability evidence supports two charging zones for residential development, Zone A and Zone B. The Norwich City Council area falls entirely in Zone A. Broadland District Council and South Norfolk Council areas are within Zone A and Zone B. Do you agree with the boundaries for the charging zones?

Yes  No

Please add any comments below

My answer applies to: (please mark one or more of the boxes):

Broadland  South Norfolk  All

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## Charging Schedule

Please use this section to comment on the rates of charge as shown in the table on page 2 of the Preliminary Draft Charging Schedule

### Residential development – Zone A

**Question 4a:** It is intended that the rate of charge for residential development in Zone A will be within a range of £135 to £160 per m2.

What do you think the rate should be?

**£135**

**Question 4b:** What is your justification for this rate?

**We accept the the logic set out in paragraphs 7.7 to 7.15 of the “Background and Context” paper, with one important exception (see response to Q15 below). This exception does not, however, alter the general acceptability of the lower rate of CIL of £135 proposed for the immediate future, as it would a higher rate of £160. We consider that £135 represents a cautious rate at which to introduce CIL and a sensible basis on which to conduct a review within two years based on empirical evidence.**

My answer applies to (please tick one or more of the boxes):

Broadland  Norwich  South Norfolk  All

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**Residential development – Zone B:**

**Question 5a:** It is intended that the rate of charge for residential development in the Zone B will be £75 per m<sup>2</sup>. Do you agree with this approach?

Yes  No

Please add any comments below

**Question 5b:** If you answered no to the above question:

What should the charge be?

What is your justification for this rate?

My answer applies to (please tick one or more of the boxes):

Broadland  Norwich  South Norfolk  All

**NOTE** In accordance with CIL regulations, the charging rates proposed in the Preliminary Draft Charging Schedules aim to balance the need to fund infrastructure in Greater Norwich with the potential impact on the economic viability of development. Any comments suggesting a variation in the rate of CIL should be justified by viability evidence.

**Residential development – zones A and B**

**Question 6a:** It is intended that the rate of charge for domestic garages (excluding shared-user garages) in Zones A and B will be within a range of £25 to £35 per m2.

What do you think the rate should be?

£135

**Question 6b:** What is your justification for this rate?

**We do not understand the logic behind a substantially reduced rate for garages. The critical quality a private garage has which a shared garage or external parking space does not is that it can and often will be used for things other than garaging; i.e. as an extra room. They may add less value to homes than a comparable area of habitable space but they also cost less to build. A very substantially reduced rate of CIL for garages represents, in effect, a distortive bias in favour of developers who regard a private garage as a fundament of their product at the expense of those who do not.**

**Moreover, the CIL savings of a double garage relative to the CIL cost of the same space provided as habitable space could be as much as £5,000, potentially opening up a route of CIL ‘avoidance’ as unscrupulous developers provide ready-to-convert garage spaces to arbitrage between the two rates.**

**Private garages should attract the full CIL rate.**

My answer applies to (please tick one or more of the boxes):

Broadland  Norwich  South Norfolk  All

**NOTE** In accordance with CIL regulations, the charging rates proposed in the Preliminary Draft Charging Schedules aim to balance the need to fund infrastructure in Greater Norwich with the potential impact on the economic viability of development. Any comments suggesting a variation in the rate of CIL should be justified by viability evidence.



**Large convenience goods based supermarkets and supermarkets**

**Question 7a:** It is intended that the rate of charge for large convenience goods based supermarkets and superstores of 2,000m<sup>2</sup> gross or more will be £135 per m<sup>2</sup>. Do you agree with this approach?

Yes  No

Please add any comments below

**Question 7b:** If you answered no to the above question:

What should the charge be?

What is your justification for this rate?

My answer applies to (please tick one or more of the boxes):

Broadland  Norwich  South Norfolk  All

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**Other retail and assembly and leisure developments**

**Question 8a:** It is intended that the rate of charge for all other retail and assembly and leisure developments will be £25 per m2 (including shared user garages). Do you agree with this approach?

Yes  No

Please add any comments below

**Question 8b:** If you answered no to the above question:

What should the charge be?

What is your justification for this rate?

My answer applies to (please tick one or more of the boxes):

Broadland  Norwich  South Norfolk  All

**NOTE** In accordance with CIL regulations, the charging rates proposed in the Preliminary Draft Charging Schedules aim to balance the need to fund infrastructure in Greater Norwich with the potential impact on the economic viability of development. Any comments suggesting a variation in the rate of CIL should be justified by viability evidence.

**Community uses**

**Question 9a:** It is intended that the rates of charge for all other Community Uses will be £0 per m2. Do you agree with this approach?

Yes



No

Please add any comments below

**Question 9b:** If you answered no to the above question:

What should the charge be?

What is your justification for this rate?

My answer applies to (please tick one or more of the boxes):

Broadland

Norwich

South  
Norfolk

All



**NOTE** In accordance with CIL regulations, the charging rates proposed in the Preliminary Draft Charging Schedules aim to balance the need to fund infrastructure in Greater Norwich with the potential impact on the economic viability of development. Any comments suggesting a variation in the rate of CIL should be justified by viability evidence.

**Other types of development**

**Question 10a:** It is intended that the rates of charge for all other types of development (including shared-user garages) covered by the CIL regulations will be £5 per m2. Do you agree with this approach?

Yes  No

Please add any comments below

**Question 10b:** If you answered no to the above question:

What should the charge be?

What is your justification for this rate?

My answer applies to (please tick one or more of the boxes):

Broadland  Norwich  South Norfolk  All

**NOTE** In accordance with CIL regulations, the charging rates proposed in the Preliminary Draft Charging Schedules aim to balance the need to fund infrastructure in Greater Norwich with the potential impact on the economic viability of development. Any comments suggesting a variation in the rate of CIL should be justified by viability evidence.

There are other issues we would like your views on, though these are not part of the Preliminary Draft Charging Schedules.

**Discretionary relief**

The approach to discretionary relief can be found on page 3 of the Preliminary Draft Charging Schedule and in section 12 of the 'Community Infrastructure Levy: Background and Context'.

**Question 11** Do you agree with the approach to Discretionary Relief?

Yes  No

Please add any comments below

**In agreeing with this approach, we place significant weight on the statement in paragraph 12.6 of the "Background and Context" paper that "[t]here will continue to be some flexibility in the negotiation of the terms of any S106 contributions" and on the regular review and updating of the Regulation 123 Schedule. As the promoter of a large site in the area, we are sceptical that the assumed 'discount' of £750 per residential unit for residual Section 106/278 payments is realistic. This is because for large-scale developments what constitute "site specific mitigation measures" (para 10.2) could be much more widely drawn and may well encompass infrastructure that, were development in the same location to be delivered by a series of much smaller and more fragmented schemes, would be expected to be left to CIL – for example strategic green infrastructure, primary roads and land for higher-order community facilities such as primary schools. However, we accept that offering discretionary relief under Regulation 55 would complicate and could undermine the integrity of CIL, and look to the sensible use of the Regulation 123 Schedule to ensure that CIL delivers the infrastructure necessary for development without distortion in respect of its scale or boundaries.**

My answer applies to (please mark one or more of the boxes):

Broadland  Norwich  South Norfolk  All

**NOTE** In accordance with CIL regulations, the charging rates proposed in the Preliminary Draft Charging Schedules aim to balance the need to fund infrastructure in Greater Norwich with the potential impact on the economic viability of development. Any comments suggesting a variation in the rate of CIL should be justified by viability evidence.

## Staging of payments

The approach to the staging of payments can be found in page 3 of the Preliminary Draft Charging Schedule and in section 11 and appendix 4 of the document 'Community Infrastructure Levy: Background and Context'.

**Question 12:** Do you have any comments about the draft policy

Yes  No

Please add any comments below

**We understand the policy to take “commencement” to refer to a full planning consent. Therefore, for instance, an outline approval for 1,000 homes to be brought forward in five two-year phases of 200 units, each with its own reserved matters application, would have five commencement dates and in effect pay its liability over a ten-year period.**

**We consider this approach to be sensible with regard to realistic approaches to phasing and very substantial time-value-of-money which could render development unviable if the liability had to be met in full upfront (or over the first two years of a ten year development).**

My answer applies to: (please mark one or more of the boxes):

Broadland  Norwich  South Norfolk  All

**NOTE** In accordance with CIL regulations, the charging rates proposed in the Preliminary Draft Charging Schedules aim to balance the need to fund infrastructure in Greater Norwich with the potential impact on the economic viability of development. Any comments suggesting a variation in the rate of CIL should be justified by viability evidence.

## Payment in kind

Within the GNDP area, where land is required within a development to provide built infrastructure to support that development (such as a school) it will be expected that land transfer will be at no cost to the local authorities and will not be accepted as a CIL payment in kind. Where the facility is needed to serve more than one development, any land transfer over and above that needed for the specific development would be regarded as payment in kind of CIL. The approach to payment in kind can be found on page 3 of the Preliminary draft charging schedule and in section 12 of the document 'Community Infrastructure Levy: Background and Context'.

**Question 13:** Do you agree with the approach to payment in kind?

Yes  No

Please add any comments below

**The policy requires some clarification to remove potential unfairness to larger schemes.**

**Whereas every development needs accesses, local green infrastructure, etc, only the largest developments will give rise to the outright need for whole new facilities such as primary schools (based on the 2009 GNDP Infrastructure Needs Study a requirement for one new two-form entry primary school arises from every 1,650 homes), community centres, primary care centres, or contribute directly to 'strategic' provision of items such as public art, business incubation, or area-wide green infrastructure.**

**The way the policy is currently construed it appears that, for instance, if 1,700 homes were to be delivered in a single development then land for a school would be required for free under S106 as "built infrastructure to support that development" (para 12.7 of the Background and Context paper) whereas if the same number of homes in the same location were delivered through 17 applications for 100 homes each, such land would be "over and above that needed for the specific development" and purchased via CIL monies or in-kind.**

**This, in effect, implies a higher effective CIL rate on a given development delivered as part of a large scheme than identical development delivered as part of a small one (and thus in effect a cross-subsidy from strategic to piecemeal development). It could encourage developers to 'value shift' by submitting many small rather than one large application, thus enabling the dedication of land in kind rather than for free. Critically, it introduces uncertainty into planning for infrastructure delivery by making the cost of delivering key pieces of infrastructure partly contingent on the scale at which development comes forward.**

**NOTE** In accordance with CIL regulations, the charging rates proposed in the Preliminary Draft Charging Schedules aim to balance the need to fund infrastructure in Greater Norwich with the potential impact on the economic viability of development. Any comments suggesting a variation in the rate of CIL should be justified by viability evidence.

**We think the policy should be clarified to make it clear that the ‘in-kind’ policy applies to land for *types* of infrastructure, not to the size of the scheme. The types of infrastructure to which it should apply are those which *do or could have* a catchment wider than the immediate development. This would mainly affect land for education and community buildings such as primary care centres.**

**If this is considered by the Authorities unaffordable then the solution would be to increase modestly the CIL rate, recapturing from all developers the cost of removing a distortion in favour of smaller piecemeal schemes.**

My answer applies to: (please mark one or more of the boxes):

Broadland       Norwich       South Norfolk       All

**NOTE** In accordance with CIL regulations, the charging rates proposed in the Preliminary Draft Charging Schedules aim to balance the need to fund infrastructure in Greater Norwich with the potential impact on the economic viability of development. Any comments suggesting a variation in the rate of CIL should be justified by viability evidence.



## Neighbourhoods and CIL

The Government proposes that neighbourhoods where development takes place will receive a 'meaningful proportion' of CIL revenue to spend on infrastructure projects locally. The local community will be able to decide how this money should be spent as long as it is used for infrastructure.

The government is currently consulting on this proposal which can be found its website at [www.dclg.gov.uk](http://www.dclg.gov.uk).

The consultation suggests that in Broadland and South Norfolk districts the Parish and Town Councils will take on this responsibility. In Norwich, where there are no Parish or Town councils, an approach appropriate to the area will need to be developed.

**Question 14a:** Subject to any updated Regulations it is proposed that 5% of the net CIL receipts be passed to local communities (e.g. the Parish Council or Town Council in the two rural districts) who express an interest in receiving it. Do you agree with this approach?

Yes  No

Please add any comments below

**With CIL funds extremely tight, it is critical that all monies raised are clearly allocated to the delivery of specific pieces of enabling infrastructure. To adopt a blanket policy of passporting 5% (or any %) of funds to parishes without due regard either to need or to proposed programme would contradict both the aims of the CIL policy and the approach taken by Charging Authorities, which is to work together across a wider area to ensure there is a balance of revenue-raising and funding which can be allocated flexibly across the area. It is also unclear how the policy would be equitably administered: if the funding raised by development in a given parish were hypothecated to that parish it could result in some receiving £millions; if distributed on a more equalized basis it would lose its connection with infrastructure to support growth.**

**A better approach would be to encourage parishes and neighbourhood forums to use the neighbourhood planning process to identify infrastructure needs and produce business plans that set out what funding and/or developer commitment is required for their delivery. Any gaps could then be filled by CIL up to a maximum of 5% of the revenues for the area.**

My answer applies to: (please mark one or more of the boxes):

Broadland  Norwich  South Norfolk  All

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**Question 14b:** Do you have any views about how the CIL which will be made available for the local community in Norwich, where there are no Parish or Town Councils, should be administered?

Please add any comments below

**NOTE** In accordance with CIL regulations, the charging rates proposed in the Preliminary Draft Charging Schedules aim to balance the need to fund infrastructure in Greater Norwich with the potential impact on the economic viability of development. Any comments suggesting a variation in the rate of CIL should be justified by viability evidence.

**Other comments**

**Question 15:** Do you have any other comments on the Preliminary Draft Charging Schedule(s) or the Community Infrastructure Levy?

Yes  No

Please add any comments below

**Further to the response under Q13, we are sceptical that £750 per residential unit is a realistic assumption for the value of residual S106/278 in determining a viable CIL rate, especially for larger developments. This is because larger developments will typically incur disproportionately greater need for S278 off-site highway improvements, as well as the dedication of land which would otherwise have development value for community infrastructure at potentially no cost.**

My answer applies to: (please mark one or more of the boxes):

Broadland  Norwich  South Norfolk  All

For paper copies of this form please email [cil@gndp.org.uk](mailto:cil@gndp.org.uk) or telephone 01603 430144

**Please return the form to:**

Email: [cil@gndp.org.uk](mailto:cil@gndp.org.uk)

Post: Greater Norwich Development Partnership  
PO Box 3466  
Norwich  
NR7 0NX

**OFFICE USE ONLY:**

Date received:

Representation no:

Forms can also be delivered by hand to:

to your local district council office or to the County Council:

- Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Norwich NR7 0DU
- Norwich City Council, City Hall, St Peter's Street, Norwich, NR2 1NH
- South Norfolk Council, South Norfolk House, Swan Lane, Long Stratton, NR15 2XE

**ALL FORMS MUST BE RECEIVED BY 5PM ON MONDAY 14 NOVEMBER 2011**

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For more information or if you require this document in another format or language, please contact the GNDP:

**email:** [cil@gndp.org.uk](mailto:cil@gndp.org.uk)  
**tel:** 01603 430144

