

A Community Infrastructure Levy for Swindon

Community Infrastructure Levy

Draft Charging Schedule Representations Overview

(July 2013)

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SBC CIL Draft Charging Schedule April 2013 Responses Schedule

Representation No.	Examination Document No.	Submitting Individual / Organisation	Submission on behalf of	Date Received
REP 1	ED 207 01	Old Town Group, Terry King		30 th April 2013
REP 2	ED 207 02	Colliers, Anthony Aitken	MacTaggart and Mickel	10 th May 2013
REP 3	ED 207 03	Savills, David Wilson	Thames Water	21 st May 2013
REP 4	ED 207 04	Natural England, Charles Routh		23 rd May 2013
REP 5	ED 207 05	Stephen Ashworth		27 th May 2013
REP 6	ED 207 06	English Heritage, Rohan Torkildsen		28 th May 2013
REP 7	ED 207 07	CPRE, Anne Henshaw		28 th May 2013
REP 8	ED 207 08	Thomas Eggar LLP	Asda Stores Ltd	28 th May 2013
REP 9	ED 207 09	Savills, Nick Matthews	House Builder Consortium Group	28 th May 2013
REP 10	ED 207 10	Wroughton Parish Council, Joyce Holman		29 th May 2013
REP 11	ED 207 11	Tetlow King, Felicity Tozer	South West HAARP Planning Consortium	29 th May 2013
REP 12	ED 207 12	Gladman Developments Ltd, Nicole Penfold		30 th May 2013
REP 13	ED 207 13	WYG, Sarah Hawkins	Sainsbury's Supermarkets Ltd	30 th May 2013
REP 14	ED 207 14	Vale of White Horse District Council, Anna Lee		30 th May 2013
REP 15	ED 207 15	Deloitte, Julia Chowings	Universities Superannuation Scheme Ltd	30 th May 2013
REP 16	ED 207 16	Deloitte, Rory Joyce	The Science Museum Group	30 th May 2013
REP 17	ED 207 17	Peter Brett Associates, Matt Whitely	Ainscough Strategic Land	30 th May 2013
REP 18	ED 207 18	Haydon Wick Parish Council, Caroline Roberts		30 th May 2013
REP 19	ED 207 19	Environment Agency, Ashley Maltman		30 th May 2013

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REP 20	ED 207 20	Influence, Ian Larrard	Various Swindon-based organisations	30 th May 2013
REP 21	ED 207 21	David Lock Associates, Nick Freer	Hallam Land Management, Hannick Homes and Taylor Wimpey	30 th May 2013
REP 22	ED 207 22	The Planning Bureau, Ziyad Thomas	McCarthy and Stone Retirement Lifestyles Ltd	30 th May 2013
REP 23	ED 207 23	Swindon Chamber of Commerce, Heydar Faramarzi		30 th May 2013

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REP 1 – Old Town Group (ED 207 01)	Concern that S106 or CIL have not been applied to remaining developments in Middle and West Wichel. Developers should be made to contribute to off-site infrastructure.	The outline planning permission for Wichelstowe S/02/2000 was granted in 2005. The undeveloped parcels are capable of being implemented under reserved matters approvals linked to the outline permission and for this reason have the ability to fall outside the scope of CIL as the outline permission was granted before CIL would be adopted locally. The legal agreement signed to accompany the outline permission remains relevant for so long as the outline permission is live.
	Concern that S106 or CIL have not been applied to other New Communities sites. Developers should be made to contribute to off-site infrastructure.	This is not the case. Outline permission is granted for development at Commonhead and Tadpole Farm and as such, development is capable of coming forward in these locations falling outside the scope of CIL but in accordance with respective legal agreements that accompanied each consent. Whilst the CIL charge is proposed at a rate of £0 per sq/m for all these sites including the unconsented ones of Eastern Villages and Kingsdown, infrastructure mitigation is still capable of being secured by means of S106 planning obligation to manage site specific impact.

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	All development should contribute to off-site infrastructure e.g. fire service, police, NHS, water electricity and gas. Thus hotels should pay CIL.	All development, whether CIL rated at £0 per sq/m or more, is deemed to be making a contribution to the delivery of CIL funded infrastructure. With respect to hotels, the previously proposed rate of £5 per sq/m was deemed to be set at the margins of viability providing for little if no headroom to absorb changes in market conditions. It is for this reason that the rate was reduced to £0.
REP 2 – Colliers (ED 207 02)	We represent a client that has a land holding to the west of Swindon capable of accommodating a residential strategic site, the majority of which falls within Wiltshire Council's administrative area. The remaining area is located within SBC's administrative area. Our concern is based on the significant change in approach to rate setting since the PDCS consultation.	Comment noted. The Council is not aware of a proposed strategic housing allocation to the west of Swindon under the emerging Wiltshire Core Strategy (excluding Ridgeway Farm and Moredon Bridge that already benefit from an outline permission).
	The PDCS included a nil charge for strategic sites of comprising of an 850 dwelling limit. The need for this is reinforced in accompanying evidence base and would have included our client's site with infrastructure needs being secured by one of S106 planning obligation.	SBC has no proposals for allocating a strategic housing site to the west of Swindon (excluding Tadpole Farm) within the emerging Local Plan to 2026 that would have been captured by the 850 dwelling threshold from the PDCS approach.

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	The new 'zoning' approach excludes any strategic sites that come forward on the periphery of SBC and where the majority of it falls within a different administrative area.	The Council is only capable of CIL rate setting for development within its administrative area. The matter of CIL rate setting for development west of Swindon would be a matter for Wiltshire Council to consider. In the event that the Inspector's report from the SBC Local Plan EIP recommends the addition of extra strategic housing allocations then this is a matter for the CIL Examiner to consider in their report.
	This will impact the deliverability of such sites as it would not allow for site-specific circumstances relating to viability.	In the event that planning application is submitted in the proposed location after a CIL Charging Schedule is adopted in SBC, it will be CIL liable. SBC would have to consider the element of the proposal within its administrative area in the context of the relevant planning policy and guidance at the time.
	Financial contributions from developments forming part of a strategic housing site should be negotiated through S106 for the whole scheme in order to take into account wider viability issues.	This is the approach that the Council is proposing to adopt, supported by the proposed £0 rate for the New Communities identified within the emerging Local Plan to 2026. This would not be relevant within SBC's administrative remit as no strategic housing allocation is proposed in this location.

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	It is understood that the area zoning approach was introduced to support a phased application submission for strategic sites where a single outline application would not be submitted.	SBC has moved to a geographical zoning to replace the previously proposed 'dwelling threshold' for a number of reasons. These include: This is supported by the CIL regulations; Changes contained within CIL Guidance 2012; The addition of an extra strategic residential allocation at Kingsdown in the emerging Local Plan; How the Easter Villages allocation is likely to come forward for consent; and Adverse representations to the PDCS approach.
	The DCS should be amended to ensure that any residential strategic sites (more than 850 dwellings) have a nil charge to allow a more consistent approach and 'future-proof' CIL to planning changes and allocations.	This is not possible. A CIL Charging Schedule., once adopted, can be reviewed at any time should there be justification to do so. In the event that the Inspector's report from the SBC Local Plan EIP recommends the addition of extra strategic housing allocations then this is a matter for the CIL Examiner to consider in their report.
REP 3 – Savills (ED 207 03)	Thames Water seek confirmation that water and wastewater infrastructure development is exempt.	Regulation 6 of the CIL Regulations 2010 (as amended) sets out that buildings into which people do not normally go, or buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery, are not to be treated as development and are not liable to pay CIL. Thames Water would not be liable to pay CIL for carrying out water and wastewater infrastructure development, so long as it fit these criteria.

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	Water and wastewater infrastructure provision is unlikely to put additional pressure on infrastructure that is needed as a result of development, such as transport schemes, flood defences, schools, hospitals and other health and social care facilities, parks, green spaces and leisure centres.	Comment noted.
	Aim of new water and wastewater infrastructure buildings are to provide the infrastructure required to support growth or deliver environmental improvements therefore charging CIL would be unreasonable.	The CIL Regulations prevent CIL being charged on buildings in which people do not normally go or go only for purpose of maintenance.
	CIL could be used to fund improvements to the sewerage network beyond that covered by the Water Industry Act and sewerage undertakers.	The local drainage network has been included on the Regulation 123 List. This enables the Council to spend CIL receipts on its management and maintenance.
REP 4 – Natural England (ED 207 04)	Natural England has no comments to make on this consultation.	Comment noted.
REP 5 - Mr Stephen Ashworth (ED 207 05)	There is no real quantification of the effect of CIL on housing and/or out of centre retail development. Quantification is needed for a proper R14 balance.	Disagree with comment. In respect of Residential rates the additional Residential Evidence paper by GVA 28th March 2013 provides evidence on the CIL rate as a % of GDV for the residential schemes outside the New communities. The additional Retail Testing produced by GVA March 2013 in addition to the original testing and evidence also provides the evidence to support the ability to charge a Retail CIL.

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	The viability analysis seems to assume under provision, against development plan policy, of affordable housing. This is inconsistent with the amended CIL Guidance and is needed for a proper R14 balance.	Disagree all the additional evidence published in the SBC Residential Development S106 Package Overview demonstrates the at proposed CIL rates would be capable of being absorbed alongside the provision of affordable housing in most instances (and combined represents rate that would generate falls below that which is broadly being secured alongside s106 receipts at 30% AH on recent planning applications since the economic downturn on sites that are being implemented.
	The analysis of strategic sites needs to be far fuller, with thought being given to a CIL regime that prevents consented schemes reapplying to take advantage of relatively low CIL rates.	It is proposed to set CIL for strategic sites at £0 due to the significant policy requirements. The strategic sites rely heavily on s106 planning obligations which is not dissimilar to the framework of pre-consented development. The Council do not consider that it's approach to rate setting would promote resubmission of outline application on strategic sites.
REP 6 – English Heritage (ED 207 06)	The Council should reserve the right to offer CIL relief for particular cases which affect heritage assets in order to avoid unintended harm to the historic environment through the application of CIL.	The ability to make CIL Discretionary Relief for Charities or exceptional circumstances available in its area is not necessarily a matter for the adoption of the Charging Schedule itself. Subject to complying with the Regulatory requirements the Council can make a decision to make Discretionary Relief available at any time, and likewise if can make a decision to withdraw it. Although there is no current intention to make discretionary relief available at this stage, circumstances may arise for which the Council may review its position.

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	Conservation of heritage assets should be taken into account when considering the level of CIL to be imposed.	CIL testing is to be high level, and not site specific. SBC recognises that Heritage Assets can have their own unique issues that may make development of them more difficult in viability terms. SBC is supportive of the development of key heritage assets in its area, however does not consider the CIL rates proposed to be levied in the areas that they are located should be detrimentally harmful to bring these sites forward.
	There needs to be an understanding of the potential impact of CIL on investment in, and regeneration of, historic areas - particularly those identified as being 'at risk'.	Comment noted. Again this is difficult as essentially this is asking for site specific testing to be carried out unique to characteristics of the CIL Charging Authority's area.
	The right to offer CIL relief should be asserted in the Draft Charging Schedule, particularly where the obligation to pay CIL would threaten the viability of schemes designed to ensure the reuse of heritage assets.	Comment noted. The Council will take on board the request to consider making CIL Exceptional circumstances and or discretionary charitable relief available in its area.
REP 7 – CPRE (ED 208 07)	Agree with zero rate for Retail Zone 1.	Comment acknowledged.
	Agree in principle with CIL charge for Retail Zone 2. However, we have concerns over larger mixed use developments such as the Eastern Villages and Tadpole Farm.	Comment noted.

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	Concerns over zero rate for Residential Zone 1. We cannot see how necessary infrastructure will be delivered through a combination of S106 and the fairly low level of CIL on retail developments that could anchor such developments.	The proposed CIL rates set are informed by robust viability testing of the ability of Swindon's New Communities to absorb a CIL charge in addition to its anticipated s106 obligations package. In order to adopt a CIL for its area the Council is required to demonstrate that a funding gap exists, for which CIL receipts would form one income stream to assist to reduce the funding gap. The matter of the wider funding gap is a matter for the Local Plan EiP to consider in the context of the Infrastructure Delivery Plan.
	For example, the Local Plan does not provide information on how traffic congestion from such developments will be delivered or funded, and there is no reference to any trigger point for initiation.	The infrastructure that it is anticipated is likely to be required to support the growth proposed under the emerging Local Plan is contained within the Infrastructure Delivery Plan 'IDP'. The IDP contains information on the anticipated timescale for delivery.

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	<p>There is no mechanism in the Local Plan to identify build volumes that will trigger infrastructure provision. There is possibility that poor economic conditions and reduced viability could result in renegotiation of S106, meaning necessary infrastructure may not be delivered.</p>	<p>This information is contained within the IDP. CIL is being adopted at a low point in the economic cycle and thus viability testing must take current market conditions into account in rate setting. Future planning applications submitted for strategic sites will also have their negotiations on s106 obligations centred on conditions as they exist at the time. The Government has adopted amendments to the T&CP Act 1990 provisions that would allow for developers to enter into discussions in respect of the Affordable Housing provision to assist in bringing the site forward. These revisions would not provide for a review of the entire obligations package, however the ability of the Council to reconsider this has always been a possibility through either formal legislative route or informal approach by a developer.</p>
	<p>If CIL was charged at £55 sq/m in Residential Zone 1 then there might be some chance of necessary infrastructure, such as link roads to A420 for Eastern Villages, being delivered.</p>	<p>The evidence produced to support the DCS demonstrates that the New Communities cannot absorb a CIL charge in addition to meeting their sites specific policy requirement by means of s106 obligations and/or direct delivery of works such as open space on site managed by controlling conditions.</p>

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	Requirements for infrastructure projects for strategic residential development areas will require large sums of money in order to meet the sustainability policies in the Local Plan. Providing this infrastructure is essential to the objective of self-contained communities.	Comment noted. S106 and CIL potentially provide two of many sources of funding that could potentially be secured to support the delivery of such infrastructure.
	Concerns that infrastructure contributions sought under proposed CIL charging schedule are insufficient, and seeking to fund infrastructure through S106 will be rejected on building costs viability grounds.	The proposed CIL rates set are informed by robust viability testing of the ability of Swindon's New Communities to absorb a CIL charge in addition to its anticipated s106 obligations package. In setting a £0 CIL the Council is of the opinion that the site specific infrastructure requirements can continue to be negotiated.
	The Council should not be in a position where trade-offs are made with developers, e.g. between affordable housing requirements or transport contributions.	The viability of development is a material consideration in the determination of any planning application. s106 negotiations, are informed by the Council's need to strike a balance between the provision of Affordable Housing and meeting the sites specific needs arising from a development by means of development costs associated with the direct delivery of infrastructure and/or s106 planning obligations.

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REP 8 – Thomas Eggar (ED 207 08)	The approach taken to assessing the Charging Schedule does not achieve an appropriate balance between the desirability of funding the cost of infrastructure required to support development from CIL and the potential effects on the economic viability of development, as set out in Regulation 14.	Disagree. The Council's approach to rate setting is fully informed by the publication of appropriate available evidence. No evidence has been produced to demonstrate why this is the case.
	We wish to object to Charging Schedule and the disproportionate loading of CIL upon two limited classes of development - Retail Zone 2 and Residential Zone 2.	This approach is informed by the appropriate available evidence that has been published, which is informed by land use in Swindon.
	Proposed CIL will impact on policies promoting economic growth and employment opportunities.	Disagree. The CIL rate for employment B1, B2, B8 employment uses has been viability tested and is set at £0.
	The proposed CIL rates will not allow the Council to meet its employment aims as set out in the Local Plan 2026.	Disagree. The employment strategic allocations and town centre sites are all £0 rated for employment uses B1, B2, B8 and the increased employment arising from proposed expansion of Swindon's retail core would all be £0 rated for the retail development in that area.
	All other forms of development will receive a significant subsidy at the expense of Retail Zone 2 and Residential Zone 2. There will be a corresponding disincentive (and market distortion accordingly) to investment in retail and residential in these zones.	Disagree. The approach to rate setting is informed by appropriate available evidence and underpinned by viability testing as is required by the CIL Regulations and Guidance.

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	Both the Government and the Council are keen to encourage the creation of additional employment across the economy. The retail sector is one of the largest employers, and largest creator of new jobs, within the UK economy.	This is a statement of opinion.
	The supporting papers to the DCS do not fully acknowledge the role of retail within the national economy.	The Council is required to consider the impact of its CIL rates on development in its area, not on a national context.
	Retail CIL charges undermine the retail functions of local centres by discouraging large retail developers.	This is a matter of opinion that is not specifically substantiated for the Swindon area/
	We have concerns over the financial assumptions and viability assessments contained in the Council's Viability Study, particularly with the GVA: CIL Development Viability Study (June 2012), the Additional Retail Testing (March 2013) and the Additional Residential Testing and Analysis (March 2013) 'the Viability Study'.	No supporting evidence has been produced to challenge the evidence the Council has produced.
	The types of commonly pooled contributions tend not to make up a large proportion of the contributions sought from commercial schemes.	SBC acknowledge that this is the case, one of the reason why so much headroom has been provided between the maximum potential CIL from large-scale food stores at £500 per sq.m and the combined retail rate for all types of retail of £100 per sq.m. now proposed.

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	The Viability Study does not include any allowances for residual S106 and S278 contributions that, in addition to CIL, could be borne by developers. The Viability Study does take into consideration S106 when analysing viability of CIL in relation to residential development, but not retail development.	SBC acknowledge this point. This is difficult to determine on retail developments thus the proposed rate for food stores is set at only 20% of the potential levy rate to provide for plenty of headroom for absorbing site specific costs.
	The Council has underestimated the cost of retail development as it has underestimated potential S106 costs and the costs of gaining planning permission. This has resulted in the artificial inflation of relative benchmark land values used for financial viability models.	No evidence has been provided to challenge the Council's position.
	The DCLG requires LAs to produce evidence of amount of S106 revenue that has been raised, including details on whether AH and other targets have been met. The CIL levies can then be assessed against contributions previously received, minus contributions developers would still have to pay notwithstanding any CIL payments, to see if they are realistic. The evidence put forward by the Council does not contain this.	Yes it does. The Council's published Residential Development s106 Package Review document sets this out for the period from 2008-2010. This evidence demonstrates that the Council has consistently been securing 30% AH and a level of S106 contribution per Open Market Unit that is greater than the potential CIL rate arising per unit based on the £55 per sq.m charge proposed to be set. It also demonstrates that this sites are coming forward are being developed on many instances.
	Concerns about Council's approach to setting CIL rates generally.	No evidence submitted to challenge the Council's position

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	The Council has not taken into consideration economics of regeneration projects. Reg 40 permits deduction of floor space that is in lawful use from CIL liability. Many regeneration projects involve demolishing/refurbishing buildings that have not been in lawful use for some time.	Disagree. No evidence has been submitted to challenge this position. The approach to CIL rate setting for retail Zone 1 is underpinned by the acknowledgement of EUV and the costs associated with such. The Council's rates are not informed by any assumption of deductible floor space, thus where this does exist this would only provide additional benefit to the development off-setting against any chargeable uses that may exist within the scheme.
	There is no connection between funding gap and how CIL charges are set.	The CIL rates are informed by viability of development. The Council is only capable of adopting a CIL rate that can be absorbed.
	It could be argued that the popularity of supermarkets has reduced infrastructure requirements as it is frequently the case that journey times fall as more stores are opened.	That is a matter of opinion.
	It is therefore unfair to require supermarkets to meet site-specific commitments under S106 and pay a CIL charge. This double charge is being placed on a limited category of development.	Applying a CIL to supermarkets would not be double charging. Site specific requirements associated with such are unlikely to constitute a CIL infrastructure item against which double counting would occur.
	There is no mechanism to allow developers to reclaim CIL receipts if the money is not spent, as is possible with S106.	The CIL Regulations do not provide for such, and there is a total disconnect between CIL receipts paid by a development and where that is used to fund infrastructure delivery.

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	The Council should postpone the submission of the DCS until the outcome of current DCLG CIL consultation is known.	This is not necessary. The majority of the 2013 CIL Reforms consultation is related to technical elements of its operation, not the adoption process itself. Regulatory changes could be easily applied once the Council is operating a CIL levy in its area.
	The Council should adopt an instalment policy that does not disadvantage developers who submit a full planning application for a phased development.	This is not currently possible, as the CIL Regulations do not provide for such. The Council has no control over this.
	The Council should switch on exceptional circumstances relief. This will allow the Council to help bring forward desirable but unprofitable development.	Comment noted. The requirements for exceptional circumstances relief are complex and difficult to meet. The Council may choose to review its position in respect of exceptional circumstances relief in light of future amendments that may arise as a consequence of regulatory changes.
	Exempting schemes from S106 is unlikely to be sufficient to counteract the negative impact of a CIL charge.	The Council is not exempt development from s106s. The Council is legally required to scale back the use of s106 planning obligations in light of the CIL Regulations requirements. The proposed CIL rates set for residential are informed by the need for potential s106 costs too.
	The Council should apply a flat rate levy across all development in the Borough. The potential impact of this could be balanced by switching on exceptional circumstances relief.	CIL rate setting has to be informed by viability evidence, and exceptional circumstances are to be used for exactly that. The way in which Swindon is proposed to grow under the Local Plan generates significantly different development costs and thus viability outcomes.

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REP 8 – Savills (ED 207 08)	Welcome changes in respect of strategic sites (from 850 dwelling threshold to set geographical boundaries). This should however be flexible to further strategic allocations being made in Core Strategy, with boundaries amended accordingly.	This is not possible. Geographical boundaries are informed by the emerging Local Plan residential New Communities allocations. The CIL charging schedule would need to be reflective of any future changes imposed by the Examination of the Local Plan
	<i>(Comments below re-submitted from PDCS)</i>	
	Concerns over the selection of only one mixed use scheme in the methodology consisting of 50 flats with office and retail development. Larger development proposals could be brought forward as mixed use developments.	The Council considered this to be sufficient. Now evidence has been provided to indicate why a different scenario would be appropriate.
	Concerns that geographical boundaries of low, medium and high value areas are not defined within the Viability Report. This causes two issues: 1. Unless different value areas are identified on a plan it is not possible to impose differential charges within each of the value areas. 2. Because there are no geographical boundaries identified for the different value areas, it is not possible to determine how important each of these areas is in the delivery of the strategic housing requirement.	The Council is not proposing to set residential rates based of the geographical boundaries of Value Areas, in fact the additional Residential Zoning Report by GVA (2012) provides the evidence to demonstrate that outside the 'new communities sites' a flat rate across the Borough should be set.
	The Council should produce a plan showing sales values across the Borough and consider whether there would be a benefit to proposing differential charging rates based on sales values within geographically distinct areas.	The Council has already produced evidence to justify why this would not be possible in its area. It is contained in the CIL Charging Zones: Potential for additional Charging Zones June 2012 document by GVA.

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	The Council must consider the emerging Core Strategy affordable housing policy, as it would appear that the delivery of the 30% requirement is not consistent with viability evidence.	The Council has taken into consideration its emerging AH policy requirement and all other appropriate available evidence to inform the proposed £55 per sq.m rate being set.
	The 30% figure for affordable housing as set out in the emerging Core Strategy should be adopted for the purposes of testing CIL viability.	The Council has viability tested a number of different AH scenarios including 20%, 30% and 40% AH provision.
	If a 30% affordable housing quota is applied, only those development typologies within the inner urban area, high value and rural settlements are capable of supporting any CIL contribution.	The accompanying evidence that informs the Charging Schedule indicates that 30% is likely to be capable of being achieved in many instances. The Council is not required to make all development viable from the outset. The lifetime of the plan is through to 2026.
	The Viability Report contains no analysis of the overall findings and instead relies solely upon the theoretical maximum derived from one permutation of one typology.	The Council considers that it has produced the appropriate available evidence to demonstrate that the residential rate proposed is acceptable
	If the Viability Report analysed findings as a whole then it would necessitate a reduced recommended level of CIL.	No evidence had been submitted to challenge the Council's evidence
	Concerns about the impact in medium and low value areas where no CIL charge is viable for any of the typologies tested.	The accompanying evidence that informs the Charging Schedule indicates that 30% AH and the CIL is likely to be capable of being achieved in many instances. The Council is not required to make all development viable from the outset.

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	Without any definition of boundaries for low, medium and high value areas it is impossible to determine the impact that conclusions on viability will have on the delivery of strategic housing requirement.	The boundaries of these areas are not relevant to the strategic sites testing specifically, as the additional Residential Evidence sets out all the assumptions relating to the strategic sites that may not have been clear from the original viability evidence published.
	There is no justification within the evidence for a zero CIL rate or urban extensions of 850 dwellings or over. The evidence indicates that if there is to be a zero rate threshold then this should be much lower – 100 units plus.	The Council now proposes a geographical zoning for differentiation of its residential rate. It considers that the additional evidence published to inform the DCS consultation supports this approach.
	Strongly dispute that a 4% increase on build cost is unlikely to represent a tipping point at which viability becomes challenged. 1. No evidence in Viability Report that supports this assumption. 2. Any scale of additional financial burden upon residential development will impact upon ability of industry to deliver the volume of house building required to meet the strategic housing requirement and maintain a rolling supply of housing land as required by the NPPF.	No evidence has been provided to challenge the Council's position.
	A £55sq/m rate for residential development will impact upon housing delivery. Even a marginal rate would render some development sites unviable.	The Council is not required to make all residential development across its area viable when adopting a CIL. The CIL is likely to be reviewed in light of changes to market conditions.

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	A short-medium term CIL charging schedule with reduced charges should be introduced to encourage growth.	The CIL rate being set is based on the current economic conditions. Once adopted the Council will consider review when of its rates subject to change in market conditions.
	The Council should reduce affordable housing requirements and review desired tenure mixes in order to reduce any impact on viability. An appropriate balance between affordable housing and infrastructure should be achieved.	The Council considers that its proposed rate of £55 per sq.m for residential Zone 2 will provide a balance. In the event that a site specific viability issue associated with AH arises, then the Council is in a position to consider the need to flex its tenure mix and if necessary overall AH percentage to assist in making the development viable.
	Viability evidence for affordable housing in Core Strategy should be reflective of the viability evidence used in CIL Viability Report.	GVA has produced separate AH Viability Testing Report for the Local Plan, and CI Viability report informed by the same inputs.

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REP 9 - Wroughton Parish Council (ED 207 09)	The 'New Communities' will create infrastructure needs far beyond the boundary of the site without a funding stream to support its delivery. Major development must share that burden and a nil rate is unacceptable.	Comment noted. The proposed rate for the New Communities is set at £0 per sq/m as the evidence demonstrates that the viability of development in these locations would be compromised in the event that a CIL charge is applied in addition to the anticipated value of the likely S106 package (having taken into consideration all other costs). S106 planning obligations can continue to be applied to assist to fund infrastructure associated with such development but located off-site providing that the CIL regulation 122 tests are met and a maximum of five obligations are secured for a specific project or item of infrastructure. CIL receipts are not restricted to the funding of infrastructure associated with the development site that paid the CIL and can be allocated to fund any project or item of infrastructure that appears on the adopted CIL regulation 123 infrastructure list.
	If CIL does remain at zero, the S106 contribution should be set, as a minimum, to be the CIL rate for Residential Zone 2.	It is not possible to set a minimum S106 financial contribution as these are negotiated on a site by site basis to mitigate the site-specific impact that a development may have identified types of infrastructure.

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	Single rate for Rest of Borough, when New Communities are excluded from any charge, is unacceptable and will be seen as falling unfairly on other developments.	Disagree with comment. In such instances of smaller scale development the scope and value of S106 planning obligation packages will be substantially reduced (compared with the Council's currently adopted approach to developer contributions to infrastructure) predominantly replaced by CIL as a mandatory charge.
	Proposal to split retail CIL has a merit of simplicity encouraging development in town centre. However, nil rate for Retail Zone 1 - Town Centre abandons principle of charging CIL based on amount of retail floor space.	The zoning approach and proposed CIL rate is based on the appropriate evidence available which demonstrates that town centre development would not remain viable if a CIL charge is imposed.
	Whilst Wroughton PC is in favour of reduced CIL rates for town and village centre development in accordance with intentions of Local Plan, a nil rate for the Town Centre ignores the infrastructure needs arising from major development and fails to fulfil the purpose of the CIL legislation.	No reduced rate is proposed for village centre retail development (local centres). The CIL severs the relationship between the development proposed and the impact of that development on infrastructure. CIL receipts can be used to fund identified infrastructure requirements Boroughwide.
	The nil rate for 'All other uses' is designed to encourage any and all development, whether it is sustainable in terms of infrastructure costs or not.	The types of development against which a CIL charge is to be applied is informed by that proposed under the emerging Swindon Borough Local Plan 2026. The viability of a variety of types of development including hotels, schools, leisure facilities, offices and other employment uses has been tested, the outcome of which demonstrates that they are not capable of accommodating a CIL charge. It is for this reason to simplify the Charging Schedule that they are absorbed under a generic definition of 'All other uses'.

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	<p>The regulations provide for mandatory exemptions and relief from CIL. SBC's proposals for a £0 rate for 'All other uses' exceeds this. The Parish Council disagrees with any proposal by SBC that places no obligation on certain types of development exceeding 100m2 which is contrary to the legislation.</p>	<p>In setting a £0 rate the Council is not contradicting the CIL legislation. Those uses that fall under a £0 rate are being charged CIL but at nil cost, they are not exempt. The CIL regulations mandatory and discretionary relief from CIL are a separate matter of consideration and would continue to remain applicable in accordance with the regulations (and/or a local decision to make discretionary relief available) for any type of development that is chargeable at a rate above zero.</p>
	<p>Disagree with £0 rate for commercial development as it has a major impact on infrastructure. If a charge cannot be applied to deliver infrastructure then the development is not viable.</p>	<p>The £0 rate proposed for commercial development is based on available evidence. It is not necessarily the case that commercial development would be unviable in any case however the application of a CIL charge would be detrimental to its viability.</p>
	<p>The funding gap analysis demonstrates that CIL receipts will only fund a small percentage of the infrastructure costs. However, development without infrastructure is unsustainable.</p>	<p>CIL receipts are expected to form one of many funding streams to support infrastructure delivery. The purpose of adopting CIL is to generate an additional funding stream that can assist to plug the infrastructure funding gap.</p>
	<p>The projected CIL income of £12 million will only fund 18% of the projected £67 million infrastructure funding gap. Having a £50 million plus funding gap cannot be purpose of CIL and Wroughton Parish Council urges SBC to produce a Charging Schedule which complies with that purpose.</p>	<p>CIL rates set are required to fulfil the objectives of the CIL regulations, that is to strike an appropriate balance between securing additional investment for infrastructure to support development and the potential economic effect of imposing the levy on development across the area i.e. they are to be set at a rate that would not compromise development from coming forward in most instances.</p>

Representation Number	Response/Comments	Swindon Borough Council Actions/Response
	If development is not viable when it must bear a fair proportion of the cost of infrastructure then it is not viable or sustainable in any case and overall development including infrastructure is put at serious risk.	This is not necessarily the case. What is required is to identify and secure alternative/additional funding streams to close the infrastructure funding gap to deliver the infrastructure that is necessary.
	The issue about developer contributions ought to be how much strain is imposed on existing infrastructure by development and how this can be mitigated, not the viability of development.	The CIL regulations provide the statutory framework against which CIL rate setting can take place. This framework is based on the economic viability of development.
REP 11 – Tetlow King (ED 207 11)	In Appendix 3 of the Viability Study, the Appraisal Results Tables are unclear in their current form. We assume that all the data is using GVA's proposed level of £55sq/m within each of the tables and we request clarification of this in line with the examination of the Charging Schedule in due course.	Yes this is correct. The tables are calculated having used the proposed SBC CIL residential rate for the rest of the Borough which is £55 per sq.m.
	Concerned about the CIL viability testing in relation to the delivery of affordable housing (AH). Although the Council tested a number of levels of AH provision, the decision on the 'appropriate balance' is seemingly based on the minimum AH target of 20%.	This is not the case. Due consideration in respect of the proposed rates set has taken into account a balance of the Council's emerging AH policy requirement (Policy HA2), and the need to raise an appropriate level of CIL to support infrastructure delivery. The tables in Section 3 of the GVA Residential Evidence Update (March 2013) clearly reflect what little percentage of GDV CIL would represent at £55 per sq/m with a capability of supporting 30% AH provision.

Representation Number	Response/Comments	Swindon Borough Council Actions/Response
	<p>Para 5.9 of GVA's Viability Study (June 2012) states that 'assuming at least 20% affordable housing', a maximum CIL rate of £70sq/m would be appropriate and allowing 'headroom' a recommendation of a CIL charge of £55sq/m is made. (Importance of ensuring housing delivery from Local Plan targets was recently highlighted in Examiner's report from Mid-Devon District Council CIL examination, where CIL rate was deemed not to be robust)</p>	<p>The comment takes the explanation out of context which is expanded through paragraphs 5.9 to 5.11 in the GVA Viability Study (June 2012, p38). In reading the conclusions the Council believes that they are perhaps open to interpretation however the £55 per sq/m rate was not set based on 20% AH but an ability in most circumstances to deliver 30% AH (subject to site specific circumstances that are not capable of being pre-determined). It should be noted that the £55 per sq/m rate was set at a time when no Draft Instalment Policy was in place.</p>
	<p>Para 29 of the CIL guidance states that local authorities should take account of policies within the development plan when setting their charging schedule and particularly AH targets. One of the four key considerations for the examiner is whether the Charging Schedule would 'threaten delivery of the relevant Plan as a whole' (para 9, CIL Guidance 2013). AH targets are a key driver of housing targets in Local Plans and CIL Charges must be set at a level that will not frustrate delivery. It is inappropriate to base CIL rates on an assumed delivery of 20% AH when both current and emerging policy set a target of 30%.</p>	<p>Comment noted, point acknowledged. In residential rate setting SBC's proposed rate is informed by the emerging Local Plan policy requirement of 30% AH. Furthermore, the Council's recent S106 package evidence in the S106 Package Review (February 2013,) document S/10/0921 (p17), S/10/0473 and S/11/0280 (both p19) clearly demonstrate the ability of urban and rural residential sites located in proposed Residential Zone 2 to accommodate 30% AH plus a financial package per unit under current market conditions that exceeds the proposed CIL level based on £55 per sq/m.</p>

Representation Number	Response/Comments	Swindon Borough Council Actions/Response
	Having reviewed the various development scenarios presented in the Viability Study, CIL would be unviable in the majority of cases under 30% AH delivery and would therefore undermine the delivery of the Local Plan.	Disagree. The supporting information produced to inform the rate setting demonstrates that development would be capable of coming forward based on a £55 per sq.m residential rate and still broadly accommodate policy requirements.
	Suggest setting CIL rate at a site which sets an 'appropriate balance' in the current economic climate but note the intention of reviewing CIL rates in the future at a specified date or if market conditions indicate an earlier review is necessary.	Once CIL is adopted the Council will need to monitor market activity taking place locally where CIL has an impact and in addition, monitor the on-going local circumstance of market conditions the outcome of which will influence the need to review the CIL Charging Schedule.
	We welcome the Council's clarification that C2 use is excluded from CIL charges.	Comment acknowledged.
	We re-iterate our previous point about older people's housing falling into C3 use which traditionally occurs higher build costs and includes associated facilities will incur high CIL charges based on additional ancillary development.	Comment noted. However these are requirements of specific company/organisation business models for a very specialist sector of residential accommodation that would represent only a very small proportion of the Local Plan's overall housing requirement and as such, is not considered justifiable to independently test.
	The 2011 SHMA identified a particular need for the delivery of specialist housing and in particular, a projected growth of households where all members are over 85.	Comment acknowledged. But it did not specify is what type of accommodation these needs could be met.

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	<p>We believe the Local Plan fails to address the need for older people's housing adequately. As the intention is for a joint examination of the Local Plan and CIL Charging Schedule, the relationship between these two documents and the provision of older people's housing needs more careful consideration.</p>	<p>This is a matter for the Local Plan EiP.</p>
	<p>The contention within the PDCS Representations Overview that the provision of specialist care housing is 'not fundamental to the delivery of the Local Plan and thus not subject to independent viability testing outside the framework of C3 use' is challengeable. The need for retirement/specialist care is shown in the 2011 SHMA.</p>	<p>The comment in question was in response to representations made by The Planning Bureau on behalf of McCarthy and Stone. The type of specialist care housing provided by McCarthy and Stone is a small sector in relative scale to the wider housing needs of the Borough. The anticipated requirements linked to a projected growth in households where all members are over 85 will not be met solely by specialist care housing. The Council substantiates its position</p>

Representation Number	Response/Comments	Swindon Borough Council Actions/Response
	<p>Regulation 13 introduces ability to set different levels of economic viability by intended use. Given identified need for older people's housing, the failure to consider impact of CIL on viability of such developments challenges the appropriateness of the evidence base and questions ability to deliver Local Plan based on 2011 SHMA evidence.</p>	<p>The Local Plan does not propose that the projected need for older people's housing be met predominantly by specialist care housing. Theme 3, para 4.105 outlines the need for different types of adaptable accommodation to suit an ageing population, including the provision of lifetime homes and lifetime neighbourhoods. Furthermore, the Sustainable Building Design and Construction SPD sets out the target for 50% of all major residential developments to be built to lifetime home standards. The Council is proposing to meet the requirement for older people's housing through delivering a variety of housing types and therefore,</p>
	<p>The Sustainable Building Design & Construction SPD states that development should meet the Code for Sustainable Homes Level 3 on private housing and Level 4 on AH. The Affordable Housing and CIL Viability Assumptions Decision Paper (Sep 2011) indicates this approach has been used as an assumption within the building cost calculations. However, the Additional Residential Testing & Analysis (March 2013) indicates that when testing urban extensions, a flat rate of either CSH Level 3 or 4 was applied to the sites as a whole. This is an incorrect interpretation of policy, and the two approaches should be corrected.</p>	<p>A decision was made in the 2013 Update to use Code Level 4 for both AH and OM residential provision as these sites are likely to come on stream and development needing to meet the Code 4 requirement for both, due to the lead-in tie for commencement of works between the grant of outline consent and the start of work on the early approved phases.</p>

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	Supportive of proposed approach to instalment policy.	Comment acknowledged.
	Suggest amendment to link the final payment on occupation to ensure larger sites do not stall delivery with the need to provide significant upfront CIL costs. Benefits could be available through the instalment policy and occupation triggers, and the Council should consider this approach.	The CIL Regulations set the framework for instalment policies and do not permit the use of occupation levels as triggers for payment. The Instalment Policy has to be based on the number of days from commencement of development. the Council has to set the instalment policy in line with regulatory requirements.
	The decision not to include an Exceptional Circumstances policy is disappointing as it could enable some of the most difficult development sites to come forward with the required planning obligations and on-site infrastructure.	The inclusion of an exceptional circumstances policy is not linked to the adoption of the Charging Schedule. The framework for making exceptional circumstances relief available, is set out in the Regulations, and would allow the Council to do so once the Charging Schedule has been adopted and with immediate effect. The Council may yet decide that it would be appropriate to switch on exceptional circumstances relief.
REP 12 – Gladman Developments Ltd (ED 207 12)	CIL is intended to have a positive effect on development. The CIL Guidance makes clear the need for a balance between securing additional investment for infrastructure to support development and the potential effect of imposing CIL on development.	Comment noted. Commentary on regulatory requirements with respect to rate setting.

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	The Council must ensure they strike appropriate balance between desirability of funding from CIL and the potential effects of the imposition of CIL on economic viability of development. The Council must consider policies contained within Local Plan on new development when deciding upon CIL rates.	Commentary on regulatory requirements with respect to rate setting.
	Charging schedules should not impact disproportionately on a particular sector or small group of developers. Differential rates for different geographical areas should be based on accurate, up to date housing market intelligence.	Commentary on regulatory requirements with respect to rate setting.
	Local authorities should engage with local developers and others in the property industry early and throughout the process of CIL preparation.	Commentary on regulatory requirements with respect to rate setting.
	The Charging Authority must appoint an independent examiner with appropriate qualifications and experience. A Planning Inspector would fulfil these criteria.	Commentary on regulatory requirements with respect to rate setting.
	The NPPF places emphasis on sustainable development and ensuring that the objectively assessed needs of an area are met through requirements and policies within Local Plan. The Council must ensure that levy rates are realistic and not too high so not to jeopardise delivery of housing schemes or the delivery of the Local Plan.	Commentary on regulatory requirements with respect to rate setting.

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	The assumptions that underlie the standard residual valuation approach used to test the impact on viability of CIL must be accurate. This should include abnormal costs, contingency costs, preliminary costs and developer profit, which should reflect the current level of risk perceived in the market.	Commentary on regulatory requirements with respect to rate setting.
	Gladman would urge the Council to adopt an instalment policy to assist with development viability.	The Council proposes to adopt a CIL Instalment Policy. This formed an evidence document that underpinned the DCS consultation.
	Gladman would like to remind the Council of the need to review CIL tariffs once these have been set.	Comment noted.
	The Local Plan will need to be in place prior to the adoption of CIL. Gladman believe that the Council need to have a clear understanding of the level of residential development to be brought forward in the plan period when preparing the Charging Schedule as this will directly influence the scale of CIL that will be generated.	The Council is aware of this need and is progressing the adoption of CIL alongside the adoption of its Local Plan.
REP 13 – WYG (ED 207 13)	We would like to thank the Council for listening to previous objections to the PDCS in respect to differentiation by reference to size.	Comment acknowledged

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	The Council should demonstrate how the viability evidence justifies the proposed CIL rates in accordance with Regulation 14(1). In particular, whether proposed rate for retail proposals in Retail Zone 2, which includes Swindon's New Communities, would strike an appropriate balance.	The Council considers the evidence produced and significantly the additional Residential evidence justifies its position in respect of the CIL rate proposed for residential Zone 2.
	The importance of the Eastern Villages District Centre has been acknowledged by the Council.	Comment noted.
	It has also been acknowledged by the Council that redevelopment of Sainsbury's would likely entail significant costs to mitigate the specific effect of the redevelopment of the store site, including road improvements and the provision of significantly improved access to part of the Eastern Villages.	The proposed retail rate provides sufficient headroom for the consideration of s106 or s278 requirements associated with site specific infrastructure.
	The Council does not have the evidence to show that the viability of retail proposals in the Eastern Villages would not be unduly impacted by the proposed CIL charge. Without viability evidence including regard to land tenure to support the proposed CIL rates, the Council should not put this important part of the development plan at risk.	No evidence has been provided to challenge the Council's position.
	Retail development, like residential and employment development in the New Communities, should be exempt from a CIL charge in the New Communities.	The rate setting is informed by the viability evidence. The evidence the Council has produced on retail demonstrates that it would be acceptable to set a retail rates for development located outside the Swindon 'Town Centre'. No evidence has been provided to challenge the Council's evidence.

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	We are unconvinced by the analysis showing that town centre development is less viable than development outside and suggest that the Council need to be careful about a CIL charge on small retail units outside the town centre.	No evidence has been provided to challenge the Council's approach. The Council considers it has undertaken sufficient testing to demonstrate that the proposed rates for retail are appropriate for the areas proposed.
	We suggest the Council reconsider the decision not to offer discretionary relief for either charities or exceptional circumstances. As long as relief is granted on a case by case basis where viability evidence is produced and where policy is used consistently and transparently it should not give rise to notifiable state aid.	Comment noted.
	We support Council's intention to have an instalments policy as it could help make unviable developments viable.	Comment acknowledged
REP 14 – Vale of White Horse District Council (ED 207 14)	We wish to reiterate concerns raised in PDSCS consultation relating to the likely funding gap and its effect on what can be done to manage traffic growth impacts on the A420.	Comment noted. This is a matter for the IDP and infrastructure delivery planning. Cross border discussions will continue outside the framework of CIL adoption. - See letter to VWHDC
	We are concerned that projected CIL income may not be sufficient to adequately mitigate the impacts caused by planned development, in particular Eastern Villages upon the A420.	Comment noted. Cross border discussions will continue to discuss future infrastructure delivery outside the framework of CIL adoption. - See letter to VWHDC

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	Policy NC3 of the Local Plan does not clearly identify the likely impacts of development on the A420, and therefore the proposed measures to address these. It therefore appears unlikely that mitigation can be funded through S106. The scope to use S106 will be scaled back as a result of introduction of CIL.	The Council continues to progress discussions on the delivery of the EV infrastructure both internally and with the land agents/owners and developers. This is a matter that will progress outside the framework of the adoption of CIL.
	The only remaining funding mechanism is therefore CIL. The Funding Gap Analysis (March 2013) indicates that there will be only a modest level of CIL income, enough to fund just 8% of the funding gap.	The Council acknowledges the infrastructure funding gap and is aware that external funding will be required to support the delivery of some of the infrastructure associated with the EV.
	We note that S106 agreements will be used to secure infrastructure in the New Communities, and that there may be an opportunity to apply differential CIL rates on small sites which fall below the affordable housing threshold. We would encourage SBC to consider all available methods to address the funding gap.	The Council proposes to do such.
	The impact of cumulative development on the A420 and the mechanism by which this will be addressed is a strategic cross-boundary matter that will require on-going cooperation between the two councils.	This matter will be managed through the existing cross border meeting framework already in place associated with the Council's Local Plan 'Duty to Co-operate'. See SBC response letter.

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REP 15 – Deloitte (ED 207 16)	USS has an active interest in the formulation of planning policy by the Council as a result of its commercial asset at Elgin Industrial Estate, Dunbeath Road. The estate comprises of 26 industrial units, 5 of which are currently vacant. Of these 5, 3 are the larger units that exist on the estate and this is partly due to the configuration of existing accommodation, which is dated and unable to meet current market demands.	Comment noted.
	Whilst USS acknowledges that a town centre first approach has been adopted in the Local Plan, USS requests clarification on the type of retail development that SBC would anticipate coming forward out of the town centre.	See SBC response letter. The matter of retail priority is fully explained in this letter.
	A blanket rate of £100sq/m would make most retail development unviable especially as different types of retail development can vary in value significantly.	Disagree. No evidence has been submitted to challenge this position.
	The rate for retail warehouses, a use which is most likely to be sought or be suitable outside the town centre has doubled from £50sq/m to £100sq/m.	This is as a consequence of the decision to move away from differentiation by type of retail use in favour of geographical zoning. The Council need to strike a balance between the rates being set.
	The GVA Retail Testing (March 2013) document does not provide any evidence to support this increased charge or the reason for changing the charging structure to a location basis rather than proposing different rates for different types of retail development.	Please revert to the SBC DCS Clarification Statement July 2013 for information on the reasons for the change. Further information also provide in SBC Representation response letter.

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	USS requests clarification is provided as to how this increased rate and revised charging structure can be supported without having a detrimental impact on viability.	Please revert to the SBC DCS Clarification Statement July 2013 for information on the reasons for the change. Further information also provide in SBC Representation response letter. The local plan is not actively promoting retail warehousing development. It is likely that any intensification of use of such sites could be subject to floor space off-setting under some circumstances.
REP 16 – Deloitte (ED 207 16)	The SMG is an exempt charity under the Second Schedule of the Charities Act (1960).	Comment noted.
	SMG is a charity and development of the Wroughton site for charitable purposes should be exempt from CIL.	SBC is not able to determine this. The CIL Regulations set out what type of charitable development is exempt from CIL and what is not. See SBC explanation in representation Response letter.
	SMG does not support the approach not to offer discretionary relief for charities and requests that SBC reconsider this decision.	Comment noted. The Council will take on board the request to consider making CIL Exceptional circumstances and or discretionary charitable relief available in its area.
	SMG is currently considering ways to maximise its land and assets and this includes enabling development.	Comment noted. Subject to the structure of the charging schedule and the type of development proposed to be charged locally some of this may incur a CIL charge, some may not.
	SMG request that SBC reconsider its approach to discretionary relief and considers assessing proposals by charitable institutions on a case by case basis. The requirement for CIL would reduce the amount which could be generated and used to secure on-going operation of the charity.	The CIL Regulations set out the framework for the exemption from CIL for charitable purposes and the framework for the operation of charitable relief. SBC is not in a position to be certain that either would apply in this instance.

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	SMG strongly urges SBC to reconsider the scope for discretionary relief before finalising their CIL Charging Schedule.	This is not necessary for the adoption of CIL. The Council can consider the need to make discretionary relief available in its area at any time.
REP 17 – Peter Brett Associates (ED 207 17)	The Reg 123 List covers broad types of potential infrastructure investment under 6 categories but few, if any, specific infrastructure investment projects. This approach does not provide the clarity and certainty sought by the development industry or by the most recent revision (April 2013) to the CIL Guidance.	Disagree. The Council can choose to manage its Regulation 123 list by listing either specific projects, or types of infrastructure, or a combination of both. The Council is of the opinion that the list provides sufficient clarity to ensure that double charging through s106 discussions and CIL does not arise.
	At present, the Reg 123 List does not provide adequate detail on the projects to be funded through CIL, and as a result does not provide the transparency sought by the Guidance.	This is a matter of opinion. SBC Disagree with the statement
	CIL revenues should be invested in the infrastructure required for planned growth. The Council should prioritise early investments into locations that will secure further development and further CIL revenues - of which Eastern Villages is an example.	Comment noted.

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	<p>The S106 costs per dwelling (£73sq/m) for necessary transport infrastructure items does not compare favourably with the proposed CIL charge for residential development outside the New Communities. These costs are likely to increase further as a result of other infrastructure requirements as well as additional costs that are innate to major strategic residential development.</p>	<p>The Residential Development S106 Package Review contained indicative information associated with anticipated costs for s106 obligations and does not ultimately reflect a site specific cost. The comment is suggesting that these will rise. In the event this endorses the Council's position in respect of its approach to CIL rate setting of residential development at £0 per sq.m for the strategic sites new communities.</p>
	<p>No reference is made to Eastern Villages transport projects in the Reg 123 list and this is of significant concern to our client. The absence of any public forward-funding (through CIL) of infrastructure required to enable development places significant additional cash flow burdens on our clients, and prejudices their ability to deliver housing at the scale and rate envisaged in the emerging Local Plan.</p>	<p>That statement is correct. SBC proposes to manage the site specific transport requirements arising from the EV allocation through the s106 planning obligation framework in accordance with the CIL Reg 122 and 123 framework.</p>
	<p>To redress additional burden of S106 costs on strategic sites, CIL revenues should be directed to enabling infrastructure for the Eastern Villages so not to stifle the Council's ability to deliver growth.</p>	<p>Some of the infrastructure associate with the EV allocation is on the Regulation 123 list such as strategic leisure provision and the SEN School. The development in master planning will be required to make land available but s106 negotiations will not include discussions on these items.</p>

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	We request that additional items be added to the Reg 123 List to enable the strategic residential development in Eastern Villages to take place.	Request noted but not accepted by the Council. The framework for management of the EV and other strategic site infrastructure underpins the approach to CIL rate setting. No information provided on what should be added and why.
	In addition, we request that the Reg 123 List include information on the proposed timing of specific infrastructure investments, prioritising early expenditure for items that will lead directly to development delivery (and further CIL receipts) such as the Eastern Villages enabling infrastructure identified in this representation. These modifications will provide greater clarity to developers and will help ensure that planned strategic residential development at Eastern Villages will take place as envisaged in the Local Plan. Providing an indication of when infrastructure projects are likely to take place will assist in better project planning and greater likelihood of timely development delivery.	This is not necessary for the Regulation 123 List. The anticipated timing of delivery is managed through the Infrastructure Delivery Plan which is a living document.
REP 18 – Haydon Wick Parish Council (ED 207 18)	The Parish Council are disappointed to see the out of town CIL rate charge for retail superstores reduced from £200 to £100 per sq/m.	The Council met with the HWPC and explained the reason behind this decision. The explanation is contained in the SBC DCS Clarification Statement July 2013.
	The Parish Council would like to reiterate its previous comments from the PDCS consultation:	

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	Reduce rates for brown fields	The Council is required to undertake high level testing, and has set rates that in most instances should be capable of being absorbed by brownfield development.
	Retail warehousing increase charge to £200sq/m from £50sq/m	This was discussed in broad terms with HWPC at a meeting on 3rd July 2013. Retail is no longer separated by type of retail use. This is now absorbed as a single Retail rate of £100 per sq.m. The decisions behind this approach are explained in the SBC DCS Clarification statement July 2013.
	Hotels increase to £20 from £5 per sq/m	The reasons for the DCS Charging Schedule rate of £0 per sq.m are explained in the SBC DCS Clarification Statement July 2013
	Agreed with £20 rate for leisure in PDCS	The reasons for the DCS Charging Schedule rate of £0 per sq.m are explained in the SBC DCS Clarification Statement July 2013
REP 19 – Environment Agency (ED 207 19)	No representations to make on proposed Charging Schedule.	Position noted
	Pleased to see inclusion of criteria for the improvement and enhancement of the existing local drainage network, along with the inclusion of green corridors and watercourse enhancement and management on Regulation 123 List.	Position noted

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REP 20 – Influence (ED 207 20)	Retail Zone 1 should be extended to Old Town via Victoria Road in order to help connectivity from Town Centre. This will enable Old Town to develop an equal footing to the Town Centre and may assist with the extension from Regents Circus up the hill, linking the two focal points together.	Comment noted. No additional evidence submitted to justify the statement
	It is acknowledged that CIL rates are based on viability testing/evidence.	Comment noted. SBC has no evidence to demonstrate on viability grounds that a change to the Retail Zone 1 boundary would be appropriate
REP 21 – David Lock Associates (ED 207 21)	We strongly support the approach taken by the Council towards strategic sites and in particular, the recognition given to the substantial costs associated with the delivery of on-site and related infrastructure. We support the continued delivery of such infrastructure through S106 agreements, in substantial measure.	Comment acknowledged.
	We agree that particular viability considerations apply in relation to strategic sites. Viability considerations are qualitatively different in respect of large sites. The complexity of large sites and time taken for delivery substantially increases the requirement for external funding and/or the need for a much enhanced rate of return, as do the inherent cash flow issues.	Comment acknowledged.

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	We continue to believe that the Council's assumptions in its viability assessment work underplay some of the costs and viability inputs. However since a nil rate is proposed this is less of a concern. The Council's position in respect of a nil rate for strategic sites for residential development is justified in terms of viability.	Comment noted.
	We consider the Council's general approach in relation to using S106 - and not CIL - to deliver necessary infrastructure to be justified. By this means, CIL proposals will support the delivery of the Local Plan objectives by helping to secure the delivery of infrastructure elements set out in relation to each of the strategic sites.	Comment acknowledged. This position however was challenged at the representation meeting. See meeting notes for Rep 21 for developer position and SBC response in respect of this challenge.
	We agree that the extent of the strategic sites should generally mirror that of the allocations in the emerging Local Plan.	Comment noted.
	We have made a number of detailed objections to the boundary of the NEV (to be heard at Local Plan enquiry). It is our view that the detailed definition of the NEV allocation within the CIL schedule should reflect the extended area proposed by Hallam, Hannick and TW (see plan attached to the representation). CIL Zone 1 should include the proposed changes.	SBC disagree. The reasons as to why are explained within the meeting notes submitted to support the Examination.

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	We are concerned to ensure that an effective delivery mechanism exists for the delivery of education and also some elements of the transport infrastructure, which is related to EV but not necessarily exclusively so.	Comment noted. This is a matter that lies outside the framework of the adoption of CIL
	The learning campus may benefit more than just the residents of the NEV and may include benefits for a wide range of developments, including residents of strategic and non-strategic developments. Both should be expected to contribute towards the Learning Campus (and potentially other facilities/infrastructure relating to the PEV).	During the meeting between SBC and the Representors on 1st July 2013 the circumstances surrounding education provision were discussed in detail. The discussion can be read within the meeting notes. Essentially the Education needs are being split into their separate requirements. SEN is a Reg 123 List matter, Early Years , Primary and Secondary to be managed by means of s106. The EV allocation would however be required to set land aside for the SEN provision. The policy requirements for Education match with the demand arising from the scale of development proposed in respect of EY, Primary and Secondary and therefore no over-provision of place long term is anticipated to arise.
	Our key consideration is the ability to spend CIL receipts on the Learning Campus, which is currently precluded by the Reg 123 List.	In theory that would be the case for SEN provision. All other items would be managed by means of s106 planning obligations directly associated with the need arising from each planning application.

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	Until a clear delivery plan - including provisions for phasing, and the phasing of funding - can be demonstrated, we consider that provision should be made for CIL funding to be employed on the Learning Campus to facilitate its delivery. This would require its inclusion on the Reg 123 List.	Council does not agree with the developer position in respect of such.
	It may be appropriate for the Council to give consideration to a small CIL charge being levied on all strategic sites (850 dwellings plus) to address the provision of the learning campus within the EV. Key considerations for this approach would be that there would have to be a commensurate reduction in S106, any funding generated by the CIL charge would have to be capable of being directed to funding the Learning Campus, and it must be transparent to ensure no double counting.	Council does not agree. The reason as to why is explained in the meeting notes from 1st July 2013 meeting with the developer. The Council is satisfied that its approach to rate setting is appropriate, and that the use of s106 planning obligations can continue in accordance with CIL Regulation 122 tests and 123 pooling restrictions in the future to manage the site-specific impact of the development by disaggregating responsibility of infrastructure between the separate development parcels.
	We have similar concerns over elements of the transport infrastructure - such as public transport. The Reg 123 List makes no provision for such items yet this must be an appropriate infrastructure item to be funded by CIL charges levied on non-strategic development.	Council does not agree with developer position. The key transport infrastructure is required to meet the needs of the EV allocation that cannot come forward without it and is therefore a site-specific requirement associated with the allocation. Adding such items to the Reg 123 List would prevent the Council's ability to negotiate s106 contributions for this purpose.

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	As part of an overall small CIL charge levied on all strategic sites, any levy raised on all strategic sites might also be expected to support the funding of transport infrastructure that ought to be included on the Reg 123 List.	The Council has progressed its rate setting based of the desire of strategic sites developers to retain control over as many site specific infrastructure items as possible. This approach has informed the Council's approach to rate setting and underpins the Council's viability testing and evidence to justify a £0 rate for residential development within strategic allocations. The Council does not intend to change its position in this respect.
	A wide range of schemes will be expected to contribute to the Learning Campus. How can such contributions be pooled and captured for the delivery of the specific purpose of the delivery of such infrastructure.	The Learning Campus will be split into its separate Education requirements, some of which will be specific to the single application e.g. the Primary School with early years, and a proportionate s106 contribution to the Secondary school. EV applications will make no direct financial contribution to the SEN provision. The application that contains the campus will however be required to set the necessary land aside to secure the future delivery. Direct discussions will be required at that time as to the appropriate area of land to bring forward at nil land value (See meeting notes from 1st July 2013)
	We are concerned that no distinction is made between Swindon's New Communities and the rest of the Borough when it comes to setting a CIL rate for retail uses.	Comment noted.

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	Zones are based upon viability considerations. Retail provision in the EV is subject to the viability of the wider New Communities developments. There is therefore no logic to depart from a nil rate for retail in the New Communities.	The Council does not necessarily agree with this position. There is a strong likelihood that the EV District Centre will come forward as a self-contained planning application. The Council considers that it has published appropriate evidence to justify its approach to Retail zoning.
	We consider that the instalment policy requires payments for large schemes at too early a stage in the development programme to be viable.	The Council considers it has a sound assessment that informs its rate setting.
	We propose that a revised instalment policy is based on number of dwellings sold as opposed to a set amount of time. A separate instalment policy for larger sites could be considered.	This is not possible. The CIL Regulations require Instalments policies to be informed by payment triggers based on a timeframe from commencement of development. The Council has no ability to override this.
REP 22 – The Planning Bureau (ED 207 22)	We requested in our PDCS consultation response that a specific development scenario for sheltered accommodation be carried out for this form of development. This has not been conducted and this form of development has still been amalgamated into a general residential levy rate.	Comment acknowledged. The Council did not consider this was necessary, so no further testing is proposed. SBC has met with the representors and the meeting notes from 27th June 2013 comprehensively reflect each position in respect of such.

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	Based on the Council's response to our PDCS consultation representations, we take the Council's position to be that housing needs of the elderly do not carry sufficient weight to determine whether this form of housing will be viable following the adoption of CIL. This is something that we fundamentally disagree with and which we consider to be contrary to the Guidance given in the NPPF.	SBC explained during the meeting on 27th June 2013 the basis for the comment in that specialist retirement housing represents only one small sector of provision that is likely to come forward to meet the needs of an ageing population, and is also not significant given the scale of general housing planned for. Furthermore such proposals that fall within the scope of the Residential Zone 1 proposed C3 rate of £0 per sq.m would not make a payment in the future under this proposed charging schedule structure.
	The NPPF requires local authorities to ensure increased opportunities for home ownership that are planned for current and future demographic trends, for the needs of different groups in the community, such as older people.	The Council does not disagree with this comment.
	The Council should ensure that all housing needs are met, not simply the majority.	Comment acknowledged.
	The CIL Guidance states that proposed CIL rates should not threaten the delivery of the relevant Plan and stresses the importance of this principle to individual market sectors that play an important role in meeting housing need, such as specialist accommodation for the elderly.	The position in respect of the Local Plan and CIL rate setting is understood by the Council.

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	By not properly considering the effect of CIL on specialist accommodation for the elderly, the Council is potentially putting the objectives of the Local Plan at risk and thereby contravening Government Guidance.	The Council does not agree with this statement. The anticipated CIL Rates that could potentially arise out of the indicate schemes information submitted (see the meeting from 27th June 2013) demonstrate that the modest CIL charge would be capable of being absorbed at not a dissimilar value to s106 package costs arising from a Local Scheme that has delegated authority to Grant subject to completion of its s106 (S/13/0146). The developers have submitted additional evidence to support the Meeting associated with this application that they would like published.
	it is important that the emerging CIL rate accurately assesses the development of specialist accommodation for the elderly.	Comment noted. SBC does not agree.
	In Swindon, the proportion of the population aged 65 and over is set to increase from 16.1% to 21.15% between 2008 and 2033.	Comment noted.
	McCarthy and Stone currently have a live planning application (S/13/0146) for a 24 unit Later Living retirement housing development. We have received over 100 enquiries from interested parties with no dedicated sales marketing for the development, demonstrating that there is a market for specialist accommodation for the elderly in Swindon.	Comment noted.

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	We consider it important that CIL does not prohibit the development of specialist accommodation for the elderly at a time when there is an existing and urgent need for this form of development and that by not properly assessing this form of development the proposed CIL rate would threaten the delivery of the Local Plan contravening Government Guidance.	The Council does not consider that it's proposed Residential Zone 2 charge of £55 per sq.m would not compromise its delivery.
	The DCS retains a flat levy rate for all forms of residential development. The broad inclusion of some retirement housing within a 'general residential heading' fails to acknowledge the very specific viability issues associated with specialist accommodation for the elderly.	Comment noted. The Council does not agree. See meeting notes of 27th June 2013 for an explanation.
	A crucial element of the CIL viability appraisal will be to ensure that the baseline land value against which the viability of the retirement scheme is assessed properly reflects the spatial pattern of land use in the locality.	Comment noted.
	Viability of retirement housing should be assessed against both likely existing site values and of potential alternative (i.e. competitor) uses. CIL could prejudice delivery of retirement housing against competing uses on the land suitable for retirement housing schemes.	Comment noted. SBC does not propose to take forward any viability testing associated with retirement housing scheme prior to submission of the Charging Schedule to Examination. The reasons why are explained in detail in the meeting notes from 27th June 2013. SBC agrees to appending all the additional information received from the Planning Bureau on viability to support the meeting notes and submit to the Examination.

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	Retirement housing can only be built on a limited range of sites, typically high value, previously developed sites within walking distance of a town or local centre i.e. brownfield site.	Comment noted. SBC challenge why if the demand is so high this type of development has not regularly come forward within the strategic sites of Haydon 3 and Wichelstowe or anywhere else in recent years.
	The Guidance recognises that brownfield sites are where a CIL charge is likely to have the most effect. The Viability Assessment should therefore provide a development scenario for a typical flatted retirement housing scheme, located on a previously developed site within 0.4 miles of a town or local centre.	The Council does not consider that this is necessary. The reason for this is explained in the meeting notes of 27th June 2013.
	A CIL viability assessment on a retirement apartment scheme should be quantified using appraisal inputs specific to this form of development. It is wrong to assume that inputs from a general apartment scheme are the same.	The Council does not propose to undertake specific viability testing of such a development scenario as it does not consider it is necessary.
	The DCS must recognise the potential shortcomings of providing a uniform CIL rate for all forms of residential development. Additional costs associated with construction, initial maintenance and slower sales rates mean the financial viability of specialist accommodation for the elderly is more finely balanced than general residential development.	Comment noted. See Meeting notes of 27th June 2013 for more information.

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	We request that the Council conduct a separate development scenario for specialist accommodation for the elderly in line with our recommendations.	The Council does consider that this is necessary. Any specialist accommodation being brought forward on the strategic sites would automatically be £0 rated under C2 or C3. Within Residential Zone 2 the proposed £55 per sqm rate is not considered to be inappropriate for such uses.
REP 23 – Swindon Chamber of Commerce (ED 207 23)	SCC acknowledges zero rating in respect of New Communities.	Comment acknowledged
	SCC supports zero rate for Retail Zone 1 but believes that the area is narrowly drawn and should be extended to cover Victoria Road and Old Town.	Comment acknowledged. No additional evidence submitted to underpin the statement. The Council does not consider it has evidence to demonstrate that this would be appropriate.
	The regeneration of some local centres in the Borough could be hampered by propose retail rate for Retail Zone 2. Local Centres should be considered Zone 1 so not to discourage regeneration.	No evidence has been submitted to underpin the statement. Local Centres are likely to benefit from off-setting of existing floor space against future CIL liability in many instances. Where this is capable of being achieved the overall CIL liability will be reduced.