

A Community Infrastructure Levy for Swindon

Community Infrastructure Levy Preliminary Draft Charging Schedule (July 2012) Representations Overview

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SBC CIL Preliminary Draft Charging Schedule July 2012 Responses Schedule

Representation No.:	Submitting Individual / Organisation	Submission on behalf of	Date Received	Representation Type
REP 1	Loveday, Philip Loveday		13 th August 2012	Rep Form
REP 2	Rosemarie Phillips		14 th August 2012	Rep Form
REP 3	The Planning Bureau Ltd, Carla Fulgoni	McCarthy & Stone Retirement Lifestyles Ltd	20 th August 2012	Letter
REP 4	NHS Wiltshire, Sharon White		5 th September 2012	Rep Form
REP 5	Network Rail, Barbara Morgan		5 th September 2012	Letter
REP 6	Woodland Trust, Justin Milward		6 th September 2012	Rep Form
REP 7	Terry King	Old Town Group	7 th September 2012	Rep Form
REP 8	PRO Vision Planning & Design, Steven Smallman	Hills UK Ltd	7 th September 2012	Letter
REP 9	Stratton St. Margaret Parish Council		10 th September 2012	Letter
REP 10	BMW Group Ltd, Nigel Glover	Swindon Pressings Ltd	10 th September 2012	Rep Form
REP 11	Thames Water Property Services, Mark Matthews		13 th September 2012	Letter
REP 12	Stephen Ashworth		13 th September 2012	Letter
REP 13	Tanner & Tilley Planning Ltd, John Montgomery	Aspen Retirement Ltd	14 th September 2012	Rep Form

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REP 14	Peacock & Smith Limited	WM Morrison Supermarkets Plc	14 th September 2012	Letter
REP 15	Gregory Gray Associates, David Butcher	Swindon Garden Centre	19th September 2012	Letter
REP 16	Wroughton Parish Council		19th September 2012	Rep Form
REP 17	Wiltshire Fire & Rescue Service		19th September 2012	Letter
REP 18	Natural England		19th September 2012	Letter
REP 19	Rodbourn Cheney Residents' Association		19th September 2012	Rep Form
REP 20	Blunsdon St. Andrew Parish Council		20th September 2012	Rep Form
REP 21	S. J. Boyd		20 th September 2012	Rep Form
REP 22	Haydon Wick Parish Council		20th September 2012	Rep Form
REP 23	Signet Planning, Paula Carney	Moirai Capital Investments	20 th September 2012	Letter
REP 24	Wanborough Parish Council		21 st September 2012	Rep Form
REP 25	WYG Planning & Environment, Lee Jones	Sainsbury's Supermarkets Ltd	21 st September 2012	Letter
REP 26	Wiltshire Wildlife Trust		21 st September 2012	Rep Form
REP 27	Tetlow King Planning, Hannah Machin	South West HARP Planning Consortium	21 st September 2012	Letter / Rep Form

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REP 28	Vale of the White Horse District Council		21 st September 2012	Rep Form
REP 29	Forward Swindon Limited		21 st September 2012	Letter / Rep Form
REP 30	Savills	House Builder Consortium Group	21 st September 2012	Letter
REP 31	Colliers International, Anthony Aitken	Mactaggart & Mickel	21 st September 2012	Rep Form
REP 32	Drivers Jonas Deloitte, Rory Joyce	Science Museum Group	25 th September 2012 (Substitute for 21 st September 2012)	Letter
REP 33	David Lock Associates, Nick Freer	Hallam Land Management, Hannick Homes & Taylor Wimpey Developments	21 st September 2012	Letter
REP 34	South Marston Parish Council		21 st September 2012	Letter
REP 35	Environment Agency		24 th September 2012	Letter
REP 36	Highways Agency		4 th October 2012 (Holding Response 19 th Sept 2013)	Letter
REP 37	Alder King, Peter Barefoot		16 th August 2012	Email

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REP 1: Loveday, Philip Loveday	Disagree with proposed rates for retail. Traditional retail is in dire straits and a nil charge should be applied to it.	Comment addressed by Draft Charging Schedule structure.
	Agree with proposed nil rate for other uses.	Response acknowledged.
REP 2: Rosemarie Phillips	Disagree that proposed rates will not put at risk overall development of the area.	Rates directly informed by viability testing.
	CIL will put a strain on those that are in debt and/or feeling the effects of the recession.	Not relevant to the consultation.
	Disagree with single residential rate (excluding strategic sites). All sites should be CIL chargeable.	Charging structure informed by the Viability Assessment outcomes.
	Disagree that strategic sites should not pay CIL.	Charging structure informed by the Viability Assessment outcomes.
	Does not agree with 850 dwelling threshold for strategic sites.	Addressed by Draft Charging Schedule Structure.
	Disagree with proposed retail rates.	Addressed by Draft Charging Schedule Structure.
	Disagree with proposed hotel rate. Should not be a charge for hotels, some may be more successful and able to pay than others.	Addressed by Draft Charging Schedule Structure.
	Disagree with proposed leisure rate.	Addressed by Draft Charging Schedule Structure
	Disagree with nil rate for all other uses.	Response acknowledged.
	Everyone should be included and be CIL chargeable.	Viability Assessment informs the ability of types of development to be CIL liable.
	Is CIL a way of increasing Council tax?	No. It is an independent mandatory charge on development that is CIL liable.
REP 3: The Planning Bureau Ltd, Carla Fulgoni	The CIL should consider the challenge of an ageing population as outlined in national policy.	Comment acknowledged
	The Viability Appraisal makes a number of	The need for retirement housing is not

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	assumptions and generalisations when it comes to some of the inputs. With reference to retirement housing, it does not take into consideration a longer sales period and higher sales and marketing costs.	fundamental to the delivery of the Local Plan and thus is not subject to independent viability testing outside the framework of C3 use.
	Retirement housing does not have the same impact on local infrastructure as family housing yet is in the same use class. It is generally located in sustainable locations and does not have a proportionate impact on infrastructure relative to its floorspace. The CIL charge on retirement housing should be reflective of this.	In adopting CIL there is no requirement for any direct link to be established between the development that is CIL liable and the infrastructure on which CIL receipts could be spent.
	The £55sq/m unfairly penalises developers of retirement housing when compared to other forms of residential accommodation. This is the result of inadequate viability testing.	The need for retirement housing is not fundamental to the delivery of the Local Plan and thus is not subject to independent viability testing outside the framework of C3 use.
	In favour of further flexibility in the timing of CIL as payments on commencement will introduce an additional financial cost on the development. Payments should be phased depending on occupation levels with the Council receiving first payment after first occupation.	The regulations set the framework under which an instalment policy can be adopted locally and this must be based on calendar months post commencement (irrespective of the timescale for build out/occupation). Draft Instalment Policy published.
REP 4: NHS Wiltshire	Agree that proposed rates will not put at risk the overall development of area.	Response acknowledged.
	Agree with single residential rate (excluding strategic sites).	Response acknowledged.
	Agree that strategic sites should not pay CIL.	Response acknowledged.
	Agree that 850 dwelling threshold is appropriate to define strategic site.	Response acknowledged. Approach amended in Draft Charging Schedule.

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	Agree with proposed retail rates.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Agree with proposed hotel rate.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Agree with proposed leisure rate.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Disagree with nil rate for all other uses. Rate should at least be equivalent to hotel rate.	Rate setting informed by the viability testing of development that underpins the delivery of the Local Plan.
	Under new NHS rules, patients can register with practices close to their work (pilot stage at present). Most 'B' uses are multi occupancy or have large staff numbers, a number of which live 'out of the area'. This would put pressure on the local health service.	Comment noted. Not relevant to consultation.
	Residential Units equate to 2.2 patients per unit. 850 units equates to 1875 patients which is one whole time GP or third time dentist plus the supporting staff. The average cost of Primary Care Developments is £1400.00 per m2 and is normally 4 years in development.	Comment noted. Not relevant to consultation.
REP 5: National Rail	CIL should set a strategic context requiring developer contributions towards rail infrastructure where growth areas or significant housing allocations are identified close to existing rail infrastructure.	Comment noted. Expenditure of CIL informed by projects or types of infrastructure specified on the Council's Regulation 123 list a draft of which is published to inform Draft Charging Schedule consultation.
	Request that a Policy is included within the document which requires developers to fund any qualitative improvements required in relation to existing facilities	Comment noted. Expenditure of CIL informed by projects or types of infrastructure specified on the Council's Regulation 123 list a draft of which is

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	and infrastructure as a direct result of increased patronage resulting from new development.	published to inform Draft Charging Schedule consultation.
	<p>Developer contributions should include provision for rail. This should include:</p> <ul style="list-style-type: none"> • A requirement for contributions to deliver improvements to the rail network where appropriate. • A requirement for Transport Assessments to allow developer contributions towards rail to be calculated. • A commitment to consult National Rail. 	<p>Comment noted. Expenditure of CIL informed by projects or types of infrastructure specified on the Council's Regulation 123 list a draft of which is published to inform Draft Charging Schedule consultation.</p>
	Potential impacts of development on level crossings should be addressed through planning policy.	Comment noted. Not relevant to consultation.
REP 6: Woodland Trust	Types of infrastructure eligible to receive CIL should include green infrastructure.	Comment noted. Please refer to Draft Regulation 123 list.
	Concerns relating to paragraph 2.5 page 12; it does not make clear that green infrastructure is included in CIL.	Comment noted. Please refer to Draft Regulation 123 list.
	<p>The need for green infrastructure is made clear in the following:</p> <ul style="list-style-type: none"> • The Planning Act 2008 • National Planning Policy Framework • Independent Panel on Forestry (DEFRA, 2012) • Woodland Creation – why it matters (Woodland Trust) • England Biodiversity Strategy (DEFRA, 2011) 	<p>Comment noted. Please refer to Draft Regulation 123 list.</p>

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	<ul style="list-style-type: none"> A letter to all local authorities calling for support for the Government's National Tree Planting Campaign The Case for Trees in development and the urban environment (Forestry Commission, July 2010) 	
	Paragraph 2.5 [of the PDCS Charging Schedule Consultation Document] should include green infrastructure (including woods and trees) in types of infrastructure eligible for CIL.	This list is not exhaustive. Please refer to Draft Regulation 123 list.
REP 7: Terry King	Agree that proposed rates will not put at risk development of the area.	Comment acknowledged.
	Disagree with single residential rate throughout Swindon. Why is the figure of 850 deemed correct? What will they pay, is it more or less than the residential rate?	Addressed by Draft Charging Schedule Structure
	Agree that strategic sites should pay CIL.	The Viability Assessment informs the chargeable rate for these areas with infrastructure mitigation being managed by means of planning obligation.
	Is the S106 rate more than the CIL rate?	Section 106 obligations to be negotiated on a site by site basis (where appropriate).
	Agree with proposed retail rates.	Response acknowledged.
	Disagree with proposed hotel rate. Why are hotels treated so lightly?	Informed by viability testing results. Further consideration has now reduced this to £0 per sq/m.
	Agree with proposed leisure rate.	Response acknowledged. Amendment made in Draft Charging Schedule.

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	Disagree with nil rate for all other uses. They should be treated similarly to residential, as should 'health'.	Viability Assessment informs the ability of types of development to be CIL liable.
	Term 'meaningful proportion' is a cause for concern. What will this be?	Not relevant to consultation. Further guidance in this respect to be published by Government.
	Why are sewage, water and electricity not covered at page 22?	Not relevant to the consultation. Page 22 of the PDCS consultation document incorporates an example list of the definition of infrastructure. This list is not exhaustive.
REP 8: PRO Vision Planning & Design, Steven Smallman	It is not appropriate for the charging schedule to state that most development will not be eligible for discretionary relief.	The CIL Regulations 2010 (as amended) set out the framework in respect of discretionary relief. It is a Charging Authority's decision as to whether it switches on relief for exceptional circumstances within its area (para. 55 CIL Regs. 2010 as amended). To date no decision has been made in this respect.
	Affordable housing and infrastructure requirements are not allowed to undermine the viability of sites and prevent the construction of new housing.	Comment acknowledged. The Council's approach to rate setting for residential has taken the impact of its affordable housing policy into account.
	CIL is likely to affect the viability of a number of schemes and this should be acknowledged by the charging schedule.	The Viability Assessment has informed the Council's approach to rate setting in respect of the types of development that will be eligible to pay CIL.
	Supports instalment policy in principle. Propose that fore residential schemes of more than 8 dwellings that the second instalment of 25% should be paid prior to commencement of more than 25% of the dwellings, the third prior to commencement of more than 50% and the final payment prior to	Comment noted. Draft Instalment Policy published to accompany Draft Charging Schedule consultation.

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	commencement of more than 75%.	
	Concerns that IDP used to establish the funding gap has not been subject to public consultation.	Comment noted. IDP published as an evidence base to inform the Swindon Borough Local Plan 2026 Pre-Submission Document Public Consultation on 20 th December 2012. Can be found on the Council's website.
	Total estimated capital cost of identified infrastructure should be capped; suggest that it should not exceed £100,000,000.	Comment noted. The Council is only required to demonstrate that a funding gap exists to take forward the adoption of a CIL for its area.
	Percentage of the funding gap met by CIL should not exceed 15%.	Comment noted.
	There is a strong case to be made for differential charging. However, in many cases we accept that a flat rate for residential schemes of fewer than 850 dwellings should be adopted.	Comment noted. Addressed in the Draft Charging Schedule.
	Concerned that the proposed flat rate of £55sq/m on private residential developments is 75% of the level of a CIL charge that, according the GVA, would be at the maximum point of viability. We would recommend a CIL charge of £45sq/m.	Comment noted. The proposed rate is considered appropriate to give sufficient head room to avoid the viability ceiling in most instances. The Instalment Policy will assist with this.
	Looking forward to commenting on Council's proposals for the Meaningful Proportion.	Comment noted. Government regulation due for publication in Spring 2013. Draft regulations already laid before Parliament.
REP 9: Stratton St. Margaret Parish Council	The funding gap identified by SBC must be made public. CIL charges have been developed as an additional funding source yet there is no indication of where additional funding will be sought.	A 'Swindon Infrastructure Funding Gap Analysis' document has been produced as an additional piece of evidence to support the Draft Charging Schedule.
	Clarification is needed over how much CIL will raise	Not relevant to consultation. Recent Section 106

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	in the future compared to how much S106 has been raised in the past.	history informs evidence to support the Examination.
	There are concerns that CIL charges are too low and will not raise enough to provide suitable infrastructure in the future.	The chargeable rates are informed by the viability evidence.
	Assurance is requested that Parish Councils are recognised as local bodies that should be involved and lead local delivery of community proposals.	Comment acknowledged. Not relevant to consultation.
	Concerns over how SBC will identify priority areas where CIL receipts will be used for infrastructure improvements.	Comment acknowledged. Not relevant to consultation. The Council will need to introduce a process in respect of such. Refer to Draft Regulation 123 List.
	Needs to be total transparency and a full needs analysis to support the proposal that there will be no direct link between the development and the expenditure of CIL.	The framework that informs the use of CIL receipts to fund infrastructure is set out within the CIL Regulations 2010 (as amended) informed by the statutory framework.
	SBC should review CIL charges on a quarterly basis to ensure it is acting proactively, not reactively, to the economic climate.	Comment acknowledged. Not relevant to the consultation. The Council has yet to make any decisions in this respect as the Charging Schedule has yet to be adopted.
	Parish Councils should be included in list of organisations that can be offered discretionary relief.	Comment noted. The CIL Regulations 2010 (as amended) set out the framework in respect of discretionary relief. It is a Charging Authority's decision as to whether it switches on relief for exceptional circumstances within its area (para. 55 CIL Regs. 2010 as amended). To date no decision has been made in this respect.
	Concern that there has been no decision as to how	Refer to Draft Instalment Policy published to

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	CIL payments can be paid by instalments.	support the Draft Charging Schedule consultation.
	SBC should ensure that their IDP is properly costed and based on current construction costs. There is a level of underestimation with regards to primary school places.	Comment noted. Not relevant to consultation.
	CIL only meets a proportion of the funding gap. How will the funding gap be met?	Comment noted. Not relevant to consultation. In order to adopt a CIL for its area the Charging Authority is required to demonstrate that a funding gap exists.
	Viability testing is biased towards the construction industry and not existing local communities and businesses.	Comment acknowledged. Disagree as CIL liable development within existing communities.
	Broadly support the £55sq/m residential charge however should be reviewed regularly as it has currently been set low to encourage economic growth.	Comment acknowledged. Once adopted the CIL Charging Schedule will be subject to review.
	Concerns over 850 dwelling cut-off. Smaller developments can still put pressure on local infrastructure.	Addressed by structure of Draft Charging Schedule.
	Not convinced by Zoning Report produced by SBC. Concerns over positioning of new development sites in relation to infrastructure and development pressures.	Further evidence in Residential Viability Addendum produced to justify the zoning approach to rate setting under the Draft Charging Schedule.
	Small charge should be introduced for industrial uses as industrial development still has an effect on infrastructure.	Rate setting must be informed by viability of development.
REP 10: BMW Group Ltd, Nigel Glover	Agree with nil rate for all other uses.	Response acknowledged.

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REP 11: Thames Water Property Service	Water and wastewater infrastructure development (WWID) is essential to all new development and is unlikely to put additional pressure on existing infrastructure and should therefore not be subject to CIL charges.	Comment acknowledged. WWID would fall under the definition of 'all other development' that would be liable to pay CIL at a nil rate.
	Aim of new water and wastewater infrastructure buildings are to provide the infrastructure required to support growth and deliver environmental improvements and it is therefore considered that charging CIL on WWIDs would be unreasonable.	Comment acknowledged. WWID would fall under the definition of 'all other development' that would be liable to pay CIL at a nil rate.
REP 12: SNR Denton	There is no obvious evidence that quantifies the effect on value thresholds of various levels of CIL in terms of numbers of houses.	Comment acknowledged. Addressed in Draft Charging Schedule.
	No real analysis of the spatial consequences of CIL. Are there equality consequences as a result of this?	Comment acknowledged. Addressed in Draft Charging Schedule and additional viability evidence.
	The lack of evidence on the effect of CIL is a particular concern in relation to affordable housing. The Viability Assessment makes it clear that affordable housing will potentially be prejudiced by the chosen CIL rate.	Disagree. Viability evidence tests up to 40% affordable housing.
	To inform a proper regulation 14 judgement, it is important to understand the effect of the proposed CIL rates on affordable housing. The Council must have a clear idea about the level of prejudice to affordable housing in order to make a balanced regulation 14 judgement.	Disagree. Viability evidence tests up to 40% affordable housing.
	The Viability Assessment should review the impact of	Comment acknowledged. Refer to additional

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	CIL on large sites since they will make contributions towards on-site/enabling infrastructure costs. This approach should apply to both allocations and to major consented schemes.	evidence published to inform Draft Charging Schedule including s106 Policy Review and Residential Viability Addendum.
	There are no obvious appraisals of any of the major sites. There is no analysis of an 850 home site.	Refer to Residential Viability Addendum.
	Although the duty to cooperate does not apply to the preparation of CIL charging schedules, there is a disappointing lack of reference to the progress being made by other local authorities and the potential effects of the chosen CIL rate on schemes that have more local significance.	Comment acknowledged.
	Regulation 13 only permits differentiation by location and intended use. It is not lawful to differentiate between retail facilities.	Comment noted. Addressed by structure of Draft Charging Schedule.
	There has to be a different intended use before any viability analysis can take place to see whether there is a viability justification for different CIL charges. The Council's approach is back to front, it looks to see if there is a viability difference without considering whether there is a different intended use.	Addressed by the structure of the Draft Charging Schedule and accompanying Retail Viability Addendum. The definitions of retail in the Preliminary Draft Charging Schedule have been removed.
	The GVA report provides no evidence that: <ul style="list-style-type: none"> • There is a viability difference either side of the 280sq/m metre limit. • There is no adequate evidence of a viability difference between different retail uses. • There is no adequate evidence of the different use characteristics of the proposed sub-uses. 	Addressed by the structure of the Draft Charging Schedule and accompanying Retail Viability Addendum. The definitions of retail in the Preliminary Draft Charging Schedule have been removed and replaced by a levy for retail based on geographical boundaries.

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	<ul style="list-style-type: none"> The commercial/retail viability analyses are not available. 	
	The proposed nil charge on housing developments of more than 850 homes also falls outside the scope of regulation 13 as this threshold does not relate to area or to intended use.	Addressed by the Draft Charging Schedule structure and accompanying residential viability evidence.
	<p>The Council's CIL charging schedule is not precise. It fails in that:</p> <ul style="list-style-type: none"> There is no clear division between retail uses. Developers must know what type of retail they are proposing. At the point where planning permission is granted it may not be clear what retail use will take place meaning there will be uncertainty about CIL charges. 	The definitions of retail in the Preliminary Draft Charging Schedule have been removed and replaced by a levy for retail based on geographical boundaries.
	It is better to avoid reference to the use classes within the descriptions of the uses in a charging schedule.	Comment acknowledged. Definitions of uses still explained in Draft Charging Schedule.
	It is inappropriate to set out the detail of regulation 40. It would be better for the charging schedule to summarise the broad principles of the calculation.	Comment acknowledged. Detail removed.
	Regulations 122 and 123 use the same formula to set out limitations on the way in which planning obligations should be considered.	Comment acknowledged.
	The Council's position on both exceptions and instalments should be set out in detail so that their effect on viability can be considered. The Council's	Comment noted. Position set out in Draft Charging Schedule.

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	position on exceptions is confusing as it states in paragraph 1.24 that no decision has been made on an exceptions policy whereas in paragraph 1.26 it is suggested that the Council will give exceptional relief.	
	<p>The Council needs to take care in describing the Regulation 123 'relevant' infrastructure list. It does not:</p> <ul style="list-style-type: none"> • Relate at all to the infrastructure on which CIL may be spent. CIL may be spent on any infrastructure. • Promise that any CIL will be spent on the 'relevant infrastructure'. • Prevent the absence of infrastructure on the 'relevant infrastructure' list being used as a reason for refusal. • Prevent 'relevant infrastructure' being the proper subject of a planning condition. 	Comment acknowledged. Regulation 123 List now published to inform Draft Charging Schedule at Examination.
	Potential CIL payments are meant to influence planning decisions and care will need to be taken to ensure that CIL payments are material considerations.	Comment acknowledged
	Paragraph 1.6 overstates the limitations that have been placed on planning obligations.	Comment acknowledged.
	Paragraph 1.8 indicates that CIL will be the "only available mechanism" to manage the cumulative impact of development. The same message is repeated in paragraph 1.3.1. As noted above, this is	Comment acknowledged. PDCS formed part of the evidence of the Draft Charging Schedule contained more information than was necessary to explain what CIL is and how it may operate in

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	not strictly true. There will be many occasions when infrastructure is needed by five or more developers.	the future. Will not be contained in Draft Charging Schedule.
	Paragraph 1.9 (and the similar message is repeated in paragraphs 1.33 and 2.15) suggests that the Council is under an obligation to issue a Regulation 123 list, and that will in some way limit the application of CIL. As noted above, this is not correct.	Comment acknowledged. The government published updated Community Infrastructure Levy Guidance on 14 th December 2012 that requires the Council to submit its Regulation 123 list alongside the Draft Charging Schedule.
	Paragraph 1.15 indicates that there is no direct connection between CIL levied from development in an area and the location in which it can be spent. This is, obviously, accurate. However, as noted above, if CIL is to be a material consideration in the determination of applications then the Council may need to give a commitment about the destination of CIL. For the "meaningful proportion" part of CIL, it is likely that this will be material to the determination of planning applications.	Comment acknowledged. There is nothing in the regulations or government guidance to reflect such. However, it is acknowledged that regulations will be published in Spring 2013 with respect of the meaningful proportion.
	Paragraph 1.20 states, boldly, that retail mezzanine floors are exempt from CIL. Clearly, regulation 6(1) only requires consent because of a direction. However, there are circumstances where mezzanines may require consent – where they amount to engineering, form part of a larger application and/or need a condition to be changed.	Comment acknowledged. Explanatory information in PDCS will not be drawn through into Draft Charging Schedule.
	Paragraph 1.20 also notes that CIL will be based on the floorspace on site "prior to demolition". This is not strictly accurate. The level of floorspace will be measured at the date at which development is "first	Comment acknowledged. Addressed by comments in Draft Charging Schedule.

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	permitted". In a phased scheme, this may mean that floorspace is not always off-set.	
REP 13: Tanner & Tilley Planning Ltd, John Montgomery	Agree that proposed rates will not put at risk overall development of area. Disagree with single residential rate throughout Swindon (excluding strategic sites).	Comment acknowledged.
	Imposition of CIL on specialist accommodation for older people will have a disproportionate impact on viability compared with general housing needs.	The need for retirement housing is not fundamental to the delivery of the Local Plan and thus is not subject to independent viability testing outside the framework of C3 use.
	Applying a CIL rate on a pound per sq/m basis would unfairly penalise a retirement housing developer due to the extra floorspace required for communal areas and facilities.	Comment acknowledged. Regulations require CIL to be chargeable on net gain in floorspace.
	The application of CIL may prevent many forms of retirement housing coming forward.	The need for retirement housing is not fundamental to the delivery of the Local Plan and thus is not subject to independent viability testing outside the framework of C3 use.
	The CIL schedule should recognise the shortcomings of an across the board approach to Class C2/C3 schemes and address this issue to ensure fairness and avoid distortions of competition.	The need for retirement housing is not fundamental to the delivery of the Local Plan and thus is not subject to independent viability testing outside the framework of C3 use.
	Uses C2 and C3 should be differentiated from general housing need schemes.	The need for retirement housing is not fundamental to the delivery of the Local Plan and thus is not subject to independent viability testing outside the framework of C3 use.
	Agree that strategic sites should not pay CIL.	Response acknowledged.
	Agree that 850 dwelling threshold is appropriate to define a strategic site.	Response acknowledged. Approach amended in Draft Charging Schedule.

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	Agree with proposed rates for retail.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Agree with proposed rate for hotels.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Agree with proposed rate for leisure.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Agree with nil rate for all other uses.	Response acknowledged.
REP 14: Peacock & Smith Limited	A fair balance has not been struck between infrastructure requirements and the viability of retail development.	Viability testing has been undertaken to ensure that CIL rates do not affect the viability of development. Refer to Retail Viability Addendum.
	The draft charge is an 'unfair' financial burden that will threaten new investment and job creation.	The chargeable rates are informed by the viability evidence. Retail rate reduced in Draft Charging Schedule.
	Other local authorities have dropped plans to charge differential rates for retail development.	Comment acknowledged. Refer to Draft Charging Schedule amended approach.
	There should be no differentiation within a particular type of use. The same CIL rate should apply across all retail development.	Comment acknowledged. Refer to Draft Charging Schedule amended approach.
	Proposed rate for superstores is much higher than that set by other local authorities.	Comment acknowledged. Refer to Draft Charging Schedule amended approach.
REP 15: Gregory Gray Associates, David Butcher	Whilst in Planning terms a garden centre may be classified as A1 Uses, the goods sold often fall under a much narrower band than open A1 Use.	Comment acknowledged. Not relevant to consultation.
	The seasonal nature of and fluctuation in the sales from garden centres means that economic returns do not follow a similar pattern to unrestricted A1 sales, hence impact on viability is not the same.	Comment acknowledged. Not relevant to consultation.

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	Garden Centre A1 Use is not considered to fall under the commercial categories set out in the GVA Viability study.	Local Planning Authority only required to focus on development that underpins the delivery of the Local Plan of which garden centres are not prioritised.
	Development at garden centres should be considered to fall under the 'All other uses' category and not be liable to pay any form of contribution of the CIL.	Any future planning application will be assessed against the T&CP (Use Classes) Order 1987 (as amended).
REP 16: Wroughton Parish Council	Disagree that proposed rates will not put at risk overall development of the area. The schedule is designed to encourage private development at the expense of making adequate contributions to necessary infrastructure i.e. 'overall development'.	Comment acknowledged. Disagree as CIL liable development within existing communities. Rates informed by viability assessments.
	Disagree with single residential rate excluding strategic sites. Strategic sites should not be excluded as they have the biggest impact on infrastructure.	Charging structure informed by the Viability Assessment outcomes. Refer to Residential Viability Addendum and S106 Policy Review for further information.
	Disagree that strategic sites should not pay CIL. S106 is becoming site specific so any developer paying CIL on less than 850 dwellings will feel disadvantaged.	Addressed by structure of Draft Charging Schedule.
	Disagree that 850 dwellings is appropriate to define strategic sites. Larger sites will have an impact on off-site infrastructure as well as on-site so should be charged CIL.	Addressed by structure of Draft Charging Schedule. Can only be capable of absorbing section 106 and CIL payment if justified by evidence.
	Disagree with proposed rates for retail. Charge is too low for supermarkets.	Comment acknowledged. Rates amended based on Retail Viability Addendum evidence. Addressed by structure of Draft Charging

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		Schedule.
	Disagree with proposed rate for hotel. 'Marginal viability' is the rationale, if any development is only marginally viable when infrastructure costs are taken into account then that development should not proceed.	Refer to Draft Charging Schedule.
	Agree with proposed rate for leisure.	Response acknowledged. Amendment made in Draft Charging Schedule.
	Disagree with proposed nil rate for all other uses. Large scale commercial development has an impact on infrastructure.	The chargeable rates are informed by the viability evidence. Impact of development is not the basis for CIL rate setting.
	CIL is only proposed to fund 18% of the funding gap. Development without infrastructure is unsustainable.	Comment noted. Not relevant to consultation. In order to adopt a CIL for its area the Charging Authority is required to demonstrate that a funding gap exists.
REP 17: Wiltshire Fire and Rescue Service	WFRS recognises that the CIL will be the delivery mechanism for funding the service's growth related infrastructure needs.	Comment acknowledged.
	The strategic elements of WFRS infrastructure needs is required due to cumulative impact of new developments, thus can only be managed via CIL once adopted.	Until the date that CIL is adopted WFRS infrastructure needs will be provided by S106. Refer to Regulation 123 List.
	'Site specific needs' would still be capable of being managed by S106 when appropriate.	Comment noted. Site specific needs in Swindon's 'New Communities' will be delivered by S106.
REP 18: Natural England	No comments	Acknowledged

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REF 19: Rodbourne Cheney Residents' Association	Agree that rates proposed will not put at risk overall development of area.	Response acknowledged.
	Agree with single residential rate (excluding strategic sites).	Response acknowledged.
	Agree that strategic sites should not pay CIL.	Response acknowledged.
	Disagree that 850 dwelling threshold is appropriate to define strategic site. A figure of 500 would be more appropriate as it would limit this to smaller developments.	Addressed by structure of Draft Charging Schedule.
	Disagree with proposed retail rates. A higher contribution should be set for all categories.	The chargeable rates are informed by the viability evidence.
	Disagree with proposed hotel rate. Too low for a blanket fee and should be based on size of proposed hotel.	The chargeable rates are informed by the viability evidence.
	Agree with proposed leisure rate.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Disagree with nil rate for all other uses. This would produce a lack of equality between different areas of town.	The chargeable rates are informed by the viability evidence.
	Purton-Iffley Road should be included in the IDP.	Response noted.
	The meaningful proportion should be decided in conjunction with the local community	Regulations to be published by Government in Spring 2013 in respect of such.
REP 20: Blunsdon St Andrews Parish Council	Agree that rates proposed will not put at risk the overall development of the area.	Response acknowledged.
	Agree with single residential rate (excluding strategic sites).	Response acknowledged.
	Agree that strategic sites should not pay CIL.	Response acknowledged.

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	Disagree that 850 dwelling threshold is appropriate to define strategic site. A large development of less than 850 homes would still have an impact on infrastructure. A threshold of 300 dwellings would be more appropriate.	Addressed by structure of Draft Charging Schedule.
	Agree with proposed rates for retail.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Agree with proposed rate for hotels.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Disagree with proposed rate for leisure. Too high in comparison to hotels, a £10sq/m charge would be more appropriate.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Agree with proposed nil rate for all other uses.	Response acknowledged. Approach amended in Draft Charging Schedule.
REP 21: S.J. Boyd	Agree that rates proposed will not put at risk the overall development of the area.	Response acknowledged.
	Agree with single residential rate (excluding strategic sites).	Response acknowledged.
	Agree that strategic sites should not pay CIL.	Response acknowledged.
	Disagree that 850 dwelling threshold is appropriate to define strategic site. Impact on infrastructure of more than 300 dwellings is significant therefore this should be the threshold.	Addressed by structure of Draft Charging Schedule.
	Agree with proposed rates for retail.	Response acknowledged.
	Agree with proposed rate for hotels.	Response acknowledged.
	Disagree with proposed rate for leisure. Too high in comparison to hotels, a £10sq/m charge would be	Addressed by structure of Draft Charging Schedule.

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	more appropriate.	
	Agree with proposed nil rate for all other uses.	Response acknowledged.
REP 22: Haydon Wick Parish Council	Agree that rates proposed will not put at risk the overall development of the area.	Response acknowledged.
	Disagree with single residential rate. Rate should be reduced for brown field sites within strategic area.	Rate setting informed by viability evidence.
	Agree that strategic sites should not pay CIL.	Response acknowledged.
	Disagree that 850 dwellings is appropriate to define strategic sites. Should be reduced to 400 as CIL will not generate enough income to mitigate the impact of larger developments that are eligible to pay S106.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Disagree with proposed retail rates. Retail warehousing should be charged at £3200sq/m	Response acknowledged. Approach amended in Draft Charging Schedule.
	Disagree with proposed rate for hotels. Hotels should be charged £20sq/m.	Informed by viability testing results. Further consideration has now reduced this to £0 per sq/m.
	Agree with proposed rate for leisure.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Agree with proposed nil rate for all other uses.	Response acknowledged.
	Concerns that developers will bring forward strategic sites in parcels so that they do not have to pay S106.	Comment noted. Refer to Draft Charging Schedule structure.
	Concerns that the IDP does not include the Purton-Iffley road. When will SBC consult parishes on what is considered to be essential infrastructure in order to influence the IDP and Regulation 123 list?	Comment noted. IDP informed by emerging Local Plan development needs.
	Concern that no decision has been made about the meaningful proportion. Parish councils should be	Regulations to be published by Government in Spring 2013 in respect of such.

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	included in consultation that helps to set the agenda and not be reduced in influence after decisions have been made. Can SBC set out a procedure and timescale for Parishes to be consulted?	
REP 23: Signet Planning, Paula Carney	Given the lack of evidence available to the Council after a CIL charging schedule is set we would ask the Council to be cautious when setting its charging levels given current economic circumstances.	Comment acknowledged. Rate setting informed by viability evidence. Leisure rate amended in Draft Charging Authority.
	Given the long-term relationship of property values with economic growth, it is important that viability studies test the impact of reductions as well as increases in land values.	Comment noted. Viability testing has taken place in what is considered to be the lowest market conditions.
	It is important that developments like North Star are delivered. The Charging Schedule in Swindon should be set so to ensure that such developments are viable or that they are regarded as 'exceptional circumstance' sites.	The Council is now proposing a zero rate for leisure and hotel uses under the Draft Charging Schedule. CIL rates must be informed by viability evidence and not policy driven.
	The 'instalment policy' could have significant impacts on developments depending on their funding structures, the prevailing market at the time payment is due and the phasing of development delivery. This should be taken into consideration when devising the 'instalment policy'.	The regulation/legislation specifies how instalments policies must be applied based on timeframe from commencement (irrespective of build out rate). Refer to Draft Instalment Policy.
REP 24: Wanborough Parish Council	Agree that rates proposed will not put at risk the overall development of the area.	Response acknowledged.
	Disagree with single residential rate (excluding strategic sites). The 850 dwelling threshold is too high.	Addressed by structure of Draft Charging Schedule.

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	Concerns that CIL receipts will not be spent locally.	Comment noted. Not relevant to consultation. Refer to Regulation 123 list.
	Disagree that strategic sites should not pay CIL. Sites of more than 250 dwellings should not pay CIL and be liable to pay S106.	Rate setting for strategic sites informed by viability evidence. Refer to Residential Viability Addendum.
	Disagree that 850 dwelling threshold is appropriate to define strategic sites. Most new developments are brought forward in smaller blocks and would therefore not be eligible to pay S106 – 850 dwelling threshold is too high.	Addressed by structure of Draft Charging Schedule now based on geographical zoning.
	Agree with proposed rates for retail.	Response acknowledged.
	Disagree with proposed nil rate for all other uses. Large-scale industrial uses have an impact on infrastructure and should contribute unless on brownfield sites.	Impact of development on infrastructure is not the basis for CIL rate setting.
REP 25: WYG Planning & Environment, Lee Jones	Retail is always the same intended use regardless of its type. The different types of retail outlined in the PDCS should be placed in the same category of intended use of development and subject to the same charge.	This has been addressed in the Draft Charging Schedule. Change in approach to rate setting for retail.
	The evidence showing different types of retail differ in their economic viability is not in itself sufficient to justify differential charges.	This has been addressed in the Draft Charging Schedule. Change in approach to rate setting for retail. Refer to Retail Viability Addendum.
	The Council must demonstrate that different types of retail development are different intended uses of development.	This has been addressed in the Draft Charging Schedule. Change in approach to rate setting for retail. Refer to Retail Viability Addendum.
	Proposed charges for convenience retail and supermarkets are not logical and are not supported	This has been addressed in the Draft Charging Schedule. Change in approach to rate setting for

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	by the evidence as presented.	retail. Refer to Retail Viability Addendum.
	The terminology used for retail uses is too vague to provide certainty to developers about which category (and therefore what charging band) their development would fall into.	This has been addressed in the Draft Charging Schedule. Change in approach to rate setting for retail. Refer to Retail Viability Addendum.
	The viability assessment appears to ignore comparison retailing. The tested scenarios therefore do not provide a complete picture of the viability of retail developments in the area and therefore insufficient information about what CIL charge can be supported.	This has been addressed in the Draft Charging Schedule. Change in approach to rate setting for retail. Refer to Retail Viability Addendum.
	Not clear from the viability study how the effect of land purchase costs on viability has been assessed.	This has been addressed in the Draft Charging Schedule. Change in approach to rate setting for retail. Refer to Retail Viability Addendum.
	Not possible to independently verify commercial viability data as the data behind viability assessments is not available for commercial development scenarios.	Refer to Retail Viability Addendum.
	Viability assessment should factor in requirements for major non-residential development to meet BREEAM 'excellent' standard as a build cost so to ensure more consistency.	Comment noted. This is not considered necessary on the basis that a lower BREEAM standard used in the viability testing has resulted in the £0 rating of most types of development other than residential and some retail.
	Charging schedule does not address the question of whether the proposed differential rates would give rise to notifiable state aid or selective advantage to any given types of development.	This has been addressed in the Draft Charging Schedule. Change in approach to rate setting for retail. Refer to Retail Viability Addendum.
	Sainsbury's support proposed adoption of	The CIL Regulations 2010 (as amended) set out

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	discretionary relief policy so that desirable development made unviable by CIL and a S106 payment can be treated exceptionally.	the framework in respect of discretionary relief. It is a Charging Authority's decision as to whether it switches on relief for exceptional circumstances within its area (para. 55 CIL Regs. 2010 as amended). The Council does not propose to switch this function on.
	Discretionary relief policy should be used on a case by case basis where viability evidence is produced and where the policy is used consistently and transparently it should not give rise to notifiable state aid.	The Council does not propose to switch this function on.
REP 26: Wiltshire Wildlife Trust	Disagree with proposed nil rate for all other uses. Industrial and business uses can still comprise large developments and therefore have an impact on sustainable development. The potential of CIL to raise funds to contribute to green infrastructure should be maximised.	Impact of development on infrastructure is not the basis for CIL rate setting. Refer to Regulation 123 List in respect of green infrastructure.
	The PDCS makes no reference to the potential of CIL to contribute to green infrastructure. The Wildlife Trust would like meet with Council Officers to discuss the inclusion of green infrastructure on the Regulation 123 list.	Comment noted. Please refer to Draft Regulation 123 list. Refer to Regulation 123 List in respect of green infrastructure.
REP 27: Tetlow King Planning, Hannah Machin	Protecting the provision of affordable housing should be a fundamental consideration when setting CIL rates. The 20% affordable housing quota that the Council are working towards is disappointing compared to the 30% quota set in the emerging Core	The Council remain committed to providing a 30% affordable quota for all new residential development. The 20% quota used in the viability testing was used to assess varying impact on residential CIL rates. The rate set should not

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	Strategy.	prejudice the ability of 30% affordable housing to be brought forward under most circumstances.
	Accepting 20% in the evidence base will encourage developers to use this figure as a starting point for negotiations meaning that the 30% set out in the Core Strategy will never be met.	The residential rate adopted is informed by the 30% affordable housing Local Plan policy requirement.
	CIL rates for residential development should be reduced if current market conditions make the Core Strategy affordable housing targets unobtainable. A review could take place to raise CIL levels if market conditions become more favourable.	Comment noted. Not relevant to the consultation. The residential rate adopted is informed by the 30% affordable housing Local Plan policy requirement. This will be tested at the Local Plan's Examination in Public.
	If the Council wish to change the development plan target for affordable housing then it should do so through the development plan examination process.	Comment noted. The 30% AH target is being pursued.
	<p>Three points of concern with soundness of methodology in viability assessment:</p> <ol style="list-style-type: none"> 1. Development scenarios do not test the CIL charge for one unit. 2. The choice of development scenarios is a concern. Methodology provides no explanation as to why these scenarios were chosen. 3. The number of sites tested is too small. Viability study only includes seven development scenarios whereas other CIL viability studies in the South-West use between 15 and 20. 	<ol style="list-style-type: none"> 1. Development proposal of 3 units was used. This is considered acceptable in respect of a smaller development. 2. Informed by an assessment of the anticipated SHLAA sites linked to generic development size brackets, and comparison to recent developments coming forward post economic downturn. 3. Number of scenarios considered appropriate for the area.
	Urban extensions do not constitute a different intended use of development. In order to avoid	Approach amended in Draft Charging Schedule. Urban extensions, or 'New Communities', have

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	challenge the Council should define the urban extensions geographically based on the site allocations in the LDF.	been defined on Ordnance Survey maps as part of the Draft Charging Schedule.
	The Council has not set out whether older people's housing will be charged at the level of residential CIL. The council must make it clear that C2 class is a nil charge.	Matter directly addressed in definition of residential on the Draft Charging Schedule (C2 will fall under all other uses £0).
	No provision has been made in the Draft Charging Schedule for Extra Care Housing, which can fall into either class C2 or C3. The Council should clarify its position with regard to the payment of CIL by residential developments for older people and exempts additional floor space used for communal activities for the charge.	Matter directly addressed in definition of residential on the Draft Charging Schedule (C2 will fall under all other uses £0).
	Support the Council's plan to include an instalments policy. The final instalment should be linked to the occupation of the development rather than an arbitrary time period.	Comment noted. Instalment Policy published.
	An exceptional circumstances policy should be established in the Charging Schedule.	Council has no intention to switch this on at present.
REP 28: Vale of White Horse District Council	Agree that proposed rates will not put at risk the overall development of the area.	Response acknowledged.
	Agree with single residential rate (excluding strategic sites).	Response acknowledged.
	Agree that strategic sites should not pay CIL.	Response acknowledged.
	Disagree that 850 threshold is appropriate to define strategic sites. The reasoning behind this is not explained in the consultation document and it is	Addressed by structure of Draft Charging Schedule.

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	therefore difficult to agree that it is appropriate.	
	Disagree with proposed retail rates. The reasoning behind this is not explained in the consultation document and it is therefore difficult to agree that it is appropriate.	Refer to amended Draft Charging Schedule and Retail Viability Addendum.
	Agree with proposed rate for hotels.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Agree with proposed rate for leisure.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Agree with proposed nil rate for all other uses.	Response acknowledged.
	Concerned that CIL income will not be sufficient to mitigate impacts of the Eastern Villages on the A420. The A420 is not listed as a policy requirement in Policy NC4 and therefore improvement works are unlikely to be funded through S106. The Vale of White Horse District Council is looking forward to discussions with SBC on the resolution of this.	Comment acknowledged. Not relevant to consultation.
REP 29: Forward Swindon Ltd	Concerned about the 'blanket' coverage of a CIL rate across all areas of Swindon in regard to housing. The Town Centre has been identified by SBC as a priority. Current market conditions affect the viability of new developments in the Town Centre.	CIL rate setting cannot be informed by policy requirements.
	Land values are very low in the Town centre and this affects the viability of residential development. The application of CIL on residential from the area within the boundary identified through the CAAP should therefore be removed.	CIL rate setting cannot be informed by policy requirements.
	For the same reasons as residential development,	Refer to Draft Charging Schedule. Hotel rate

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	remove the application of CIL on hotels from the area within the boundary identified through the CAAP.	amended to £0.
	Ensure that the nil rate for employment land is maintained as the scheme become substantive policy.	Addressed through the Draft Charging Schedule structure.
	Disagree that proposed rates will not put at risk overall development of area.	Rates directly informed by viability testing.
	Disagree with single residential rate (excluding strategic sites).	Response noted.
	Agree that strategic sites should not pay CIL.	Response acknowledged.
	Agree that 850 dwelling threshold is appropriate to define strategic site.	Addressed by structure of Draft Charging Schedule.
	Agree with proposed retail rates.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Disagree with proposed hotel rates.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Agree with proposed leisure rates.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Agree with proposed nil rate for all other uses.	Response acknowledged.
REP 30: Savills	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.	Comment noted. Viability testing scenarios considered acceptable.
	Concerns that geographical boundaries of low, medium and high value areas are not defined within the Viability Report. This causes two issues:	Refer to geographical zoning report for residential viability.

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	<ol style="list-style-type: none"> 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 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.	Comment noted.
	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.	CIL rate setting informed by a variety of affordable housing percentages including the emerging Local Plan policy 30% requirement.
	The 30% figure for affordable housing as set out in the emerging Core Strategy should be adopted for the purposes of testing CIL viability.	CIL rate setting informed by a variety of affordable housing percentages including the emerging Local Plan policy 30% requirement.
	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.	CIL rate setting informed by a variety of affordable housing percentages including the emerging Local Plan policy 30% requirement.
	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.	Disagree with comment.

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	If the Viability Report analysed findings as a whole then it would necessitate a reduced recommended level of CIL.	Disagree with comment. CIL rates set as a result of comprehensive consideration of the viability outcomes across the residential scenarios.
	Concerns about the impact in medium and low value areas where no CIL charge is viable for any of the typologies tested.	Comment noted. CIL rate setting is not required to make all development viable under all circumstances from the outset.
	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.	Not relevant as strategic site CIL set at £0 in Draft Charging Schedule. Refer to additional residential viability evidence.
	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.	Refer to additional residential viability evidence. Approach amended in Draft Charging Schedule.
	<p>Strongly dispute that a 4% increase on build cost is unlikely to represent a tipping point at which viability becomes challenged.</p> <ol style="list-style-type: none"> 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. 	Comment noted. No alternative evidence supplied.
	A £55sq/m rate for residential development will	Comment noted. Proposed residential rate will not

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	impact upon housing delivery. Even a marginal rate would render some development sites unviable.	put at risk the overall delivery of the Local Plan as a whole.
	A short-medium term CIL charging schedule with reduced charges should be introduced to encourage growth.	Comment noted.
	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.	Comment noted.
	Viability evidence for affordable housing in Core Strategy should be reflective of the viability evidence used in CIL Viability Report.	Comment noted. Local Plan policy affordable housing viability study published in December 2012.
REP 31: Colliers International, Anthony Aitken	Agree that proposed rates will not put at risk the overall development of area.	Response acknowledged.
	Agree with single residential rate (excluding strategic sites).	Response acknowledged.
	Agree that strategic sites should not pay CIL.	Response acknowledged.
	Agree that 850 dwelling threshold is appropriate to define strategic sites.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Agree with proposed retail rates.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Agree with proposed rate for hotels. If a hotel should form part of a strategic housing site then any financial contribution should be secured through S106.	Response acknowledged. Approach amended in Draft Charging Schedule.
	Agree with proposed rate for leisure. If leisure use should form part of a strategic housing site then any	Response acknowledged. Approach amended in Draft Charging Schedule.

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	financial contribution should be secured through S106.	
	Agree with proposed nil rate for all other uses.	Response acknowledged.
REP 32: Drivers Jonas Deloitte, Rory Joyce	NMSI requests that a policy is included within the CIL that allows charities discretionary relief for land that is developed for non-charitable purposes.	Consideration of charitable relief controlled by way of regulation.
	NMSI considers that enabling development that will directly fund and develop charitable purposes should receive discretionary relief from CIL.	Comment acknowledged.
REP 33: David Lock Associates, Nick Freer	The Learning Campus proposed in the EV will benefit a wide range of developments likely to include residents of 'non-strategic developments' (£55 CIL rate) as well as a variety of strategic developments. Both should contribute towards the Learning Campus.	Comment noted.
	The Preliminary Charging Schedule must provide a clear indication of an intention to spend CIL resources on the Learning Campus when the Schedule 123 list is produced.	Refer to the Regulation 123 List.
	The Learning Campus should be indicated in the IDP as infrastructure towards which CIL funds should be both justified and diverted.	Comment noted.
	It may be appropriate for the Council to consider a small CIL charge being levied on all strategic sites to address the provision of the Learning Campus within the EV.	Refer to Residential Viability Addendum with respect to rate setting in the Draft Charging Schedule.
	This could be achieved by: <ul style="list-style-type: none"> • A commensurate reduction in S106 	Refer to the Regulation 123 List.

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	<p>contributions associated with strategic sites.</p> <ul style="list-style-type: none"> • CIL receipts must be capable of being directed towards the provision of education in the PEV. • It must be transparent that there is no double count of S106 and CIL charges. 	
	<p>The proposed instalments policy requires payments for large schemes at far too early a stage in the development programme to be viable. A revised instalments policy is required.</p>	<p>Refer to the Draft Instalment Policy.</p>
REP 34: South Marston Parish Council	<p>Concerns that only 5 planning applications can contribute to S106 agreements and that the Eastern Villages will most likely come forward in more than this.</p>	<p>Comment noted.</p>
	<p>The designation of CIL money to any particular project is controlled by the Council and is not necessarily earmarked for infrastructure improvements in South Marston.</p>	<p>Comment noted. Refer to Regulation 123 List and approach to management of section 106 through strategic sites.</p>
	<p>Consultation makes no reference to adopting the proposed CIL methodology on the first major development to which it will apply.</p>	<p>The Council will need to put in place a process in respect of distribution of future CIL receipts.</p>
	<p>There is no certainty over the size of the proposals that may come forward in terms of number of dwellings. This means that if proposals were put forward for less than 850 dwellings then developers would not have to provide community infrastructure via S106. Community infrastructure would be dependent on CIL money.</p>	<p>Refer to Draft Charging Schedule amended approach to strategic sites based on geographical boundaries. Refer to section 106 policy review evidence.</p>
	<p>The 'meaningful proportion' of CIL is of little help to</p>	<p>Comment noted. Not relevant to consultation.</p>

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	South Marston as it relates to community-owned infrastructure. South Marston residents are equally concerned about the quality of new development in terms of road development and school provision.	Further guidance in this respect to be published by Government.
	With a CIL policy with a single 850 threshold and no zoning, the provision of necessary infrastructure for what was intended to be a strategic expansion of Swindon has been rendered complex and uncertain as CIL receipts are not guaranteed to come back to the area that generates them.	Comment acknowledged. Approach to rate setting for strategic sites amended in Draft Charging Schedule.
	Planning applications within the Eastern Villages SPD areas should be exempted from the threshold for strategic status and instead be subject to a lower level - e.g. 50 units. Using Grampian Conditions where necessary, locally generated CIL money could then be used for local infrastructure.	Approach to rate setting for strategic sites amended in Draft Charging Schedule.
	SBC should consider adopting an approach similar to that of Shropshire Council, where 90% of CIL receipts are allocated to infrastructure related to the community affected.	Comment noted. Refer to government regulations due in Spring 2013 with respect of the meaningful proportion. Primary purpose of CIL receipts to fund infrastructure set out in the Infrastructure Delivery Plan.
REP 35: Environment Agency	No comments	Acknowledged
REP 36: Highways Agency	Must ensure that levels of contributions are sufficient to enable adequate infrastructure to be delivered which satisfies the requirements of the Secretary of State in respect to the Strategic Road Network (SRN).	Comment acknowledged. CIL rates informed by viability evidence. Refer to Regulation 123 List.

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	Detrimental traffic impacts arising from developments can cause disbenefit to existing users of the SRN.	Comment acknowledged
	Traffic impacts must be adequately addressed and developments should not be granted consent without a delivery mechanism for necessary infrastructure.	Comment noted. Can only be secured through section 106 or planning condition if site specific impact can be demonstrated.
	The Agency will continue to support an evidence based approach in situations where developers can contribute through site specific S106 and 278 highway agreements.	Comment acknowledged
	The Agency agrees that the PDCS must be evidence based and that the identification of supporting infrastructure and accurate cost for it must be form the basis of the document.	Comment acknowledged. Refer to published Infrastructure Delivery Plan December 2012.
	The Agency welcomes the acknowledgment that CIL can be used to make up a shortfall in the operation of pre-existing infrastructure if a development makes the deficiency more severe.	Comment noted
	The Agency acknowledges the use of the emerging Core Strategy as part of the PDCS evidence base.	Comment acknowledged
	Historically the bulk of infrastructure funded by strategic sites has been on site infrastructure or in the direct vicinity of the site.	Comment acknowledged
	The Agency welcomes the approach of the Council to continue with site specific S106 to provide much of the necessary infrastructure for a particular scheme and reduce the contribution made by CIL.	Comment acknowledged
	Does the use of site specific DPD's for strategic developments explain the absence of a CIL levy for	Refer to Draft Charging Schedule and amended approach to residential rate setting for strategic

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	residential uses in excess of 850 dwellings? If so, then the Agency welcomes this.	sites.
REP 37: Alder King	Recent planning applications have fallen short on the Council's planning expectations in respect of developer contributions for infrastructure and affordable housing. The Council has received Financial Viability Assessments that demonstrate development proposals could not afford Policy Compliant planning obligations. On each occasion, the Council has sought independent advice from a Valuer to negotiate a non-policy compliant but viable solution.	Not relevant. CIL rate setting informed by residential CIL viability evidence
	Whilst some generic testing was undertaken by GVA for the PDCS, it does not appear that any of the planning applications mentioned above have been reviewed to establish what the impact of a CIL charge should be.	Refer to Section 106 Package and Policy Review.
	Swindon in terms of value is marginal and planning obligations can make a difference to the viability of a scheme in the current economic climate.	Refer to additional residential viability evidence in respect of section 106 values used to inform CIL residential rates.
	Keen to understand the impact of CIL on the past three years of negotiated non-policy compliant cases should be reviewed and the impact considered. There are many examples of recent planning consents that would not be viable with a CIL charge.	Refer to Section 106 Package and Policy Review evidence published to inform Draft Charging Schedule.
	CIL is not affordable in Swindon until the economy picks up. Nil bands should be adopted across the board for the time being.	Comment noted. Residential rate setting informed by residential viability evidence.

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	Flatted housing, especially sheltered housing, cannot afford a CIL rate and are unfairly penalised due to CIL requirement to be charged on gross floorspace when these come forward relying on a gross to net floorspace ratio that mathematically disadvantages them. Suggest a separate category for this type of property.	Cannot differentiate flat from dwelling as falls within the same use class and does not constitute a different intended use of development.