

Swindon Borough Council Community Infrastructure Levy Charging Schedule Examination
Key Issues Discussion Paper
Issue 1 - Justification/ Balance/Viability

(viii) What criteria will the Council use to determine whether **exceptional circumstances** are appropriate?

Further written statement on this issue by English Heritage

Discretionary Relief for Exceptional Circumstances

The Regulations emphasise the need to strike an appropriate balance between the opportunities of funding infrastructure from the levy and the potential effects that may arise through increased pressure on the economic viability of development. For example, there could be circumstances where the viability of a scheme designed to secure the reuse and long term viability of a heritage asset is compromised by the requirement for CIL payments.

Vacant or underused heritage assets not only fail to make a full contribution to Swindon's economy but they also give rise to negative perceptions about an area. This, in turn, can detract from its appeal to visitors and inward investment. Consequently, in setting thresholds there needs to be a clear understanding of the potential impact which CIL could have on investment in, and regeneration of, historic buildings, places or spaces - particularly those which have been identified as being 'at risk'.

English Heritage therefore suggest the Borough Council asserts its right to apply discretionary relief for exceptional circumstances; where development which affects heritage assets and their settings and/or their significance, may become unviable if it was subject to CIL.

Paragraph 126 of the NPPF requires that local authorities set out in their Local Plan, a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In relation to CIL, this means ensuring that the conservation of its heritage assets is taken into account when considering the level of the CIL to be imposed so as to safeguard and encourage appropriate and viable uses for the historic environment.

The *CIL Relief Information Document* recommends that the conditions and procedures for CIL relief are set out in a separate statement, defining exceptional circumstances and setting a clear rationale for their use and justification in terms of the public benefit. In this case an example could be where CIL relief would enable the restoration of heritage assets as identified on English Heritage's 'Heritage at Risk Register'.

I hope this brief statement can be considered to inform the CIL's examination and in turn support the delivery of sustainable development.

I can confirm that English Heritage does not need to appear at the Hearing itself.

Sincere regards

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