

APPENDIX A

Community Infrastructure Levy

Draft Charging Schedule consultation - summary of responses

Consultee	Section	Comment
Boyer (Luff Developments)	Viability appraisal - assumptions	<p>BNPP carried out a separate appraisal for the Blue Mountain site – there are a number of inconsistencies in inputs used. Markedly different appraisal outputs result. (<i>table of 'inconsistencies' included in submission</i>).</p> <p>Latest site-specific appraisal use more optimistic assumptions.</p> <p>Highlights that the appraisal has not been based on appropriate available evidence.</p>
	Viability margin	<p>Residual land value (RLV) is only £92,795 above the benchmark land value of £400k. Therefore, £220psm is too close to the margin of viability with inadequate room for manoeuvre, should inputs change.</p> <p>In view of there needing to be sufficient viability headroom, a new CIL zone of £150psm is proposed. Rationale is based on the original CIL viability appraisal (May 2012) that concluded that the viability margin for Greenfield sites in Binfield was £250psm in current market conditions and £175psm if conditions deteriorated by 5%.</p>
	S106 inputs	£1,134,000 s106 assumption appears at odds with SA7's policy requirement for extensive infrastructure. It can be assumed this cost might therefore increase – pushing scheme closer to viability margin.
	CIL & s106 relationship	<p>Policy SA7 does not specify if infrastructure will be delivered through CIL or s106. Para 15 of the CIL statutory guidance advises charging authorities to provide transparency in their approach. The Council's approach to s106 and CIL needs to be made clear, in particular to ensure that CIL does not lead to double-charging.</p> <p>The main mechanism is the Reg 123 list, but upon review it is still not clear what the residual s106 elements are. Evidence to show if £1,134,000 is the residual s106 figure is required. The IDP</p>

Consultee	Section	Comment
		<p>requirements are approximately £8m – significantly higher.</p>
		<p>The Reg 123 list should be revised to clearly state which elements of Policy SA7 are to be delivered through CIL or s106.</p>
	Reg 123 list	<p>Concerns developers will be double-charged, e.g. SANG. The Reg 123 list excludes on-site provision of SANG but includes “provision and on-going maintenance in perpetuity of SANG”. This approach will conflict with double-charging. Blue Mountain will provide its own SANG, therefore should not pay CIL for it to be provided elsewhere. To avoid double-charging, on-site bespoke SPA mitigation should be excluded from CIL. Instead the list should simply confirm that CIL will be used rather than s106 to provide SANG to satisfy the Habitat Regs.</p>
	Reg 73	<p>Reference needs to be made how the Council will manage the payment of CIL where the land owner/developer provides land or infrastructure beyond what is required to mitigate their development. For example, Blue Mountain will provide extensive educational land, however the Reg 123 list states that all education will be provided by CIL rather than s106. Therefore, there is concern that payment of CIL and provision of land would be a double-payment.</p> <p>The same could apply for other infrastructure provided that supports a greater area than the application site itself, e.g. public open space, community facilities and road improvements.</p> <p>Before the submission of the schedule for examination, the Council needs to provide details of how developers will be compensated in such circumstances.</p> <p>The preferred option for the Council would be to acknowledge Reg 73 and provisions for the payment in-kind.</p>
		<p>A CIL payment policy should be devised to support the draft charging schedule’s submission for the examination, confirming that the Council will accept land for infrastructure as payment in-kind of CIL in accordance with Reg 73.</p>
	Exceptional Relief (ER)	<p>Not adopting ER is contrary to BNPP’s advice. It would provide strategic sites with flexibility if viability is a concern. This current stance could threaten delivery – therefore the DCS could fail Reg 14.</p>

Consultee	Section	Comment
		<p>Reference to relief should be removed from the DCS as it is a flexible matter – the regs make no requirement for this.</p>
	Instalments Policy (IP)	<p>Despite the introduction of new bands for larger payments, the IP is still too onerous and does not represent the realities of the development industry and the importance of maintaining cash flow.</p> <p>Payment terms are far too short and do not reflect BNPP's information on sales rates which is critical to maintain cash flow.</p> <p>Strategic site phasing will likely fall within the <£1m bands which require full payment by 240 days. Sales on large sites don't tend to start until approximately 10 months after commencement, which could require developers to pay the full CIL amount before having received any money from sales. This will result in developers having to borrow more money upfront, leading to greater risk and high interest rates that could impact viability.</p> <p>The Council needs to review the policy in consultation with BNPP.</p> <p>It will be crucial to demonstrate that the IP has been tested for its appropriateness against impact of viability.</p> <p>Should be amended as per consultee's PDCS submission IP (<i>ref. DCS submission</i>).</p>
	Review of CIL	The Council should specify how often it intends to review CIL rates, e.g. annually, to provide certainty that rates will remain flexible to market changes.
Bracknell Town Council	Central Bracknell charging rates	<p>Proper consideration needs to be given to the extra use of existing facilities, particularly community facilities, and green space, in addition to transport improvements not limited to major junctions.</p> <p>Do not understand why there is a charge for hotel development, but not office development given that the area has a shortage of hotels and a surplus of offices.</p> <p>There should be an increase in the rate for offices to reflect their oversupply.</p>

Consultee	Section	Comment
		Due to the amount of development in the town centre a nominal charge would support new infrastructure requirements, facilitate apportionment, and be more in the spirit of the move from s106 to CIL, and the government's support for parish councils developing neighbourhood plans.
Country Land and Business Association (CLA)	CIL rates - commercial development	Support the Council's policy not to impose a CIL rating on agricultural, forestry, employment and commercial development.
	CIL rates - retail development	The CLA are concerned that the £95m ² charge for retail development types has been set for all rural areas and a NIL charge has been set for Central Bracknell, with additional concerns that farm shops will have to pay CIL as they fall under the Food Retail use type. The CLA would like clarification that the CIL charges for farm diversification, for example clay pigeon shooting grounds and sui generis uses are exempt from CIL as they fall under Leisure.
	CIL rates - residential	The CLA has concerns regarding the CIL rates for the Warfield Strategic Development Zone, Northern Parishes, and Crowthorne/Sandhurst, with charges levied on rural market housing where in urban areas there is a NIL charge. When combined with other costs development will be suppressed, having a negative impact on the rural economy and the ability to regenerate rural villages in the borough. There is no evidence base in the charging schedule to justify the higher charge in rural areas, with the CLA suggesting that both urban and rural developments be judged under the same CIL charge criteria. Market housing in rural areas is being used to subsidise the increased infrastructure required in Central Bracknell and other Key Centres by charging areas outside of urban areas. The high charge for rural areas will stop the rural rebalancing of Bracknell Forest as the profit margins for rural housing will be squeezed and make sites unviable. The charges will act as a significant disincentive for development in rural areas.
	Affordable housing relief	Support the Council's policy for 100% relief on Affordable Housing.
	Developer infrastructure	All developments being requested to contribute to infrastructure should have the opportunity to negotiate the level of payment depending on what a community/areas needs.

Consultee	Section	Comment
CL Association	contributions	
	CIL review	CLA recommend a review of the charging schedule within a year, not simply allowing for an inflation measure.
	Relief from CIL	<p>The CLA would like confirmation of what would happen where landowners decide to build houses to keep within their long term ownership, to diversify their income, and because there would be no capital receipts within which to fund a CIL charge, it would have to be met through existing revenues.</p> <p>In this case the Council should be more flexible and allow relief from CIL if a legal agreement is given that the new property would remain available for private rental for a period of at least five years.</p>
	CIL rates for rural housing	CLA are concerned that there is no allowance for housing needed for rural businesses, and would like clarification that these dwellings will be treated the same as affordable housing, with a Nil rate.
Crowthorne Parish Council	Administrative costs	No mention of the administrative costs of operating CIL.
	Meaningful proportion	No recognition of the 15% of the CIL receipts to be passed to Parish/Town Councils, or 25% where a Neighbourhood Plan is in place.
	Public consultation	Since initial Working Group Meeting there has been no further consultation, and no provision of infrastructure needs for Parish and Town Councils included in the costing.
	Parish budgeting	Payments to Parish/Town Councils should be included in the schedules, and provision for notification of the forecast receipts from development to enable them to Budget accordingly.
Deloitte (Bracknell Regeneration Partnership)	CIL rates- Hotels	Referring to the Viability Study (May 2012), there are inconsistencies between conclusions and App. 3. Whilst the report recommends a £25 psm rate, the evidence in App. 3 suggests that a 100 bed hotel would provide a c.£230k deficit; therefore a hotel development would not be able to support a CIL rate of £25 psm as proposed.
GVA (Warfield Park Homes)	Exemptions	<p>CIL rates have not used appropriate evidence in relation to park homes, as not considered the economic viability of developing sites for park homes.</p> <p>Legal advice submitted with representation, that caravans & park homes are not liable to pay CIL (from Tozers LLP). In essence:</p>

Consultee	Section	Comment
		<ul style="list-style-type: none"> • Development of caravans will be a change of use of land rather than operational development or engineering works. • Legal advice contains definition of a caravan and makes reference to various case law/court cases where word “structure” has been used. Where a structure is capable of movement it will remain so, and is therefore a chattel rather than a building. • A charge of CIL will not be triggered by development of residential caravans within the relevant definition as they are not buildings. <p>Therefore consider that the para. on exemptions should clarify that park homes conforming with the definition of a caravan should not be liable to pay CIL and should be expected to pay s.106 towards any infrastructure needs that arise, therefore request an amendment to the CIL charging schedule.</p>
	Reg 123 list	Exclusion list in the Draft Regulation 123 list should also refer to park homes meeting the definition of a caravan in order to allow permission for park homes to be given subject to the provision of s106.
Highways Agency	CIL Spending	The HA will be concerned with proposals that have the potential to impact the safe and efficient operation of the Strategic Road Network (SRN). Early discussions sought about any transport interventions that the CIL might contribute towards that could impact on the M4.
Kemp & Kemp (Berkeley Strategic)	S106	<p>Insufficient details are given in the further viability testing as to what infrastructure has been taken into account. No source or any breakdown of the constituent parts of the s106 figure is given.</p> <p>The IDP is deficient in that it does not identify how infrastructure will be delivered: s106 or CIL. Additionally, it is not fully comprehensive and several items remain uncosted, e.g. Public Art and Open Space, and various references to commuted maintenance sums, e.g. SuDS and OSPV.</p> <p>More information is needed, including a clear differentiation of infrastructure proposed to be CIL funded and through site specific s106. This should be reflected in any viability testing.</p>
	Phasing – in-kind infrastructure	Unclear as to how phasing of in-kind infrastructure delivery has been factored into appraisals, e.g. primary school construction coincides with the commencement of development. Front funding

Consultee	Section	Comment
		creates additional costs and impacts viability.
	In-kind infrastructure	There are several developers at Warfield. The cost of delivering in-kind infrastructure should be proportionate to each development, e.g. the cost of delivering the primary school should be borne by each development even if it is delivered in one development area. Seek reassurance as to the Council's approach to the fair and proportionate delivery of in-kind infrastructure.
	Viability cushion	<p>Large strategic sites invariably attract significant 'abnormal' infrastructure costs from utilities upgrades/provision and there are often substantial 'exceptional' costs. As such there is a necessity to leave a margin or contingency to allow for change and site specific viability issues. BNPP acknowledge this, referring to the fact CIL rates should be around 30-60% of the maximum rate.</p> <p>£400,000 per hectare BLV is considered reasonable, however applying a rate of £200psm results in a RLV of £405,297 per ha, right up to the limit of viability before considering s106 costs, extra ordinary costs or market fluctuations that will invariably arise.</p> <p>The rate should allow for some flexibility to account for unexpected costs and market fluctuations.</p>
Land Securities	Retail charging rates	There is no distinction between different types of retail development, with some forms of shopping better suited to support the costs of providing infrastructure than others. Retail operations selling bulky/household goods are less likely to be able to afford the £95/sqm charge, which will deter such investment and fail to balance the needs for infrastructure with the potential effects of the viability of development.
Millgate Homes	Charging zones	Agree with the principle of separate CIL Charging Zones, although the area breakdown is too broad.
	S106/CIL comparison at Manor Farm	54% increase in contributions at Manor Farm development if calculated under CIL rather than s106. Based on the profit margin of developers, the increase would be too great to spread across the site, resulting in the site not being developed.
	Viability	The high CIL rate will hamper certain smaller land parcels from being developed, and based on the large nature of the site (Warfield) this may be in key locations needed to release sections of land for development.

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	Warfield Strategic zone CIL rate	Strongly advocate a review of the proposed CIL rate for the Warfield Strategic Development area which should be land/parcel selective whereby there is scope for those sites which do not require large amounts of new infrastructure to be developed without being classified under the single rate for the whole strategic area.
	Affordable housing	The proposed CIL rate in the Warfield zone will put affordable housing under pressure due to the pressure on viability. Once CIL rates are set, the only negotiable element is the amount of affordable housing provided. If the CIL rates are set too high, less affordable housing will be provided in order that the development is allowed to progress and be viable for developers and landowners.
	CIL rates	The level of CIL should be set closer to the existing s106 level.
Natural England	SANG provision and maintenance	<p>Despite the inclusion of SANG provision and ongoing management in the draft Regulation 123 List, and the Viability Study outlining that the Council is required to collect contributions towards SANGs, no further reference is made in either document to the need to ensure adequate SANG provision in perpetuity for residential development within 5km of the SPA.</p> <p>Evidence is required that the Council will still be able to collect the relevant amount of funding to maintain SANGs at the required size and quality in perpetuity.</p>
	Administration – SANG provision	As payment is currently required on commencement of development, the Council should set out in the Schedule how the necessary funds will be administered to ensure the timely delivery of SANG under CIL.
	Monitoring and Review	The Council should set out how it is proposed to monitor and review the charging schedule, with particular reference to SANG capacity.
	Securing SPA mitigation	<p>The Council should consider this representation alongside the letter sent from Natural England to all Local Planning Authorities affected by TBHSPA in October 2012, which set out Natural England's position on securing the long term security of SPA through CIL.</p> <p>If the Council can agree a secure legal mechanism for delivering these avoidance and mitigation</p>

Consultee	Section	Comment
		<p>measures then Natural England will support the Council at the Examination and work with the Council towards an acceptable approach.</p> <p>If there is a failure to secure a long term mechanism by which avoidance and mitigation measures will be delivered once CIL has been implemented, any breach would lead to a successful judicial review challenge against the local authority. In addition, the Government has the power to require public authorities to make payments, determined by the Government, in respect of that EU financial sanction.</p> <p>If there was insufficient certainty that there was full compliance with the Habitats Regulations, there are a number of options open to Natural England: appearing at the Examination; making representations against the soundness of the next Local Plan Document; objecting to any application which came forward where there was no secure mechanism for securing CIL, and seeking call in by the Secretary of State where necessary.</p> <p>Natural England urge the Council to work with other local authorities who are seeking to secure a solution which satisfied both the CIL and Habitat Regulations, and develop and agreed approach.</p>
Network Rail	Exemption	Network Rail should be exempt from CIL, or its developments classed as payment in kind.
	Definitions in the CIL Regulations	Seek clarification on the definition of buildings in the CIL Regulations. Stations are open-ended gateways to rail infrastructure and should not be treated as buildings, and lineside structures used to operate should be classed as railway infrastructure.
	Permitted Development	Network Rail would like clarification on whether its developments over 100m ² undertaken using our Permitted Development Rights will be CIL liable.
	Spending of CIL receipts	Given that CIL can be used to fund sub regional infrastructure projects, Network Rail hope that railways will be specifically mentioned, alongside roads, as a potential beneficiary of CIL in the regulations.
	Charging CIL	Charging CIL on gross internal floor space is disproportionate given that it will encompass very minor as well as major projects.

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Nike Design (Nike Group of Companies)	Charging Zones in relation to Amen Corner South	<p>Amen Corner South should not form part of the 'Northern Parishes' zone and it should be renamed 'Northern and Eastern Parishes', for reasons:</p> <ul style="list-style-type: none"> • The strategic sites viability analysis for the Draft Charging Schedule already comments that Amen Corner South is akin to Jennett's Park in terms of values than Binfield. Jennett's Park is located partly in out Bracknell and partly Sandhurst/Crowthorne. • It is essentially a Brownfield site that falls within boundaries of an urban area rather a rural countryside. • The Amen Corner SPD envisages a mix of uses, residential, commercial, neighbourhood centre & school which is more akin to Jennets Park rather than Amen Corner North. • Warfield is separated from the northern parishes as it represents a significant expansion to existing villages. • Amen Corner South should be treated like Warfield and be separated out as a distinct charging zone, or be as Jennett's Park in 'Outer Bracknell'. <p>Suggest Amen Corner South is in a separate 'Western Bracknell' charging zone with a rate of £100 per sqm. As BNP study accepts that Jennett's Park is the nearest development to Amen Corner South, this indicates that Amen Corner South should be included in outer Bracknell (£25 per sqm) or as hybrid with Crowthorne/Sandhurst (i.e. an average rate of £87.5 per sqm).</p>
	CIL rates	<p>Given disparities between infrastructure requirements of Amen Corner South & northern parishes (in particular Amen Corner North), it is unfair to apply same CIL rates (as Amen Corner South is subject to infrastructure exclusions which are normally covered by CIL and are not site specific such as the Council already stating that Amen Corner North is dependent on the timing of provision of primary school at Amen Corner South).</p> <p>Query whether Amen Corner North should be dependent upon Amen Corner South for infrastructure which would be unviable (with the addition of the spine road) and therefore undeliverable given the proposed CIL rate.</p>
	Reg 123 list	<ul style="list-style-type: none"> • List published 12 months after viability analysis and 2 months after Strategic Sites Viability

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		<p>Analysis. Comments made about inconsistencies, and changes in s106 obligations for sites (as some infrastructure such as education on Blue Mountain) is now on the Reg 123 site rather than site specific infrastructure.</p> <ul style="list-style-type: none"> • List is ambiguous in relation to community facilities which are reserved for site specific. • Catch all at end of list provides for inclusion or exclusion.
	Strategic Site Testing - Section 4.1	Refers to one PDL sites and 4 Greenfield sites – as there are 6 strategic sites, one is omitted.
	Land value	As Amen Corner South is largely brown field, it should be considered against a viability benchmark of £650,000 per hectare net residential value.
	Cost of spine road	In relation to s106 expenditure for Amen Corner South (Appendix E), this does not include the cost of the Spine Rd (£3,905,000). The consequence is that this reduces the residential land value with CIL to £355,146.
	School land	Anomaly between Amen Corner North and South sites. The Amen Corner SPD requires 1.3ha for a school site for Amen Corner South. The SALP revises this to 2.2ha. Not defensible as this exceeds the size for the site to make provision for Amen Corner North (which is not of a size to justify its own school). The cost of the addition 0.9ha (£1.6m) should be met other than from Amen Corner South and the CIL rate should be discounted to reflect this.
Pennicott Chartered Surveyors (The Warfield Consortium)	Benchmark Land Values	<p>Benchmark land values used in the appraisal of Warfield (SA9) are not based on current evidence. EUVs have not been considered. The appraisal fails to consider presence of:</p> <ol style="list-style-type: none"> high-value existing residential properties; established businesses operating from premises with significant value for the business. <p>The BLV of £400k is insufficient as a competitive return to the landowner.</p> <p>There is evidence that more than 20 ha (15% of total) of the SPD area has a BLV significantly higher than that assumed.</p>

Consultee	Section	Comment
		(ref. Appendix 1 of submission)
	Site area	The 125.2 Ha area used should be 134.5Ha. This would reduce the RLV to £377,329, £22,671 below the BLV.
	Construction costs	£892psm from BCIS (2012) does not reflect current cost. Assumes economies of scale that are unlikely to be achieved on this fragmented site under multiple ownerships. It also assumes favourable ground conditions and continuous working. Should be £922psm (BCIS, 2013). This increase equates to an extra £6,319,500.
	Site infrastructure	Cost of £10,000 per dwelling is unrealistic. Experience shows this should be £20,000, doubling the infrastructure cost to £44m.
	Contingency	Contingency allowance should be applied to all construction cost elements, e.g. infrastructure works, lifetime homes and CfSH 4, not just build costs.
	Residual land value	Applying the revised site area of 134.48 Ha with the amended inputs produces an RLV of £156,556 per Ha. Even then build costs remain below all-inclusive housing association build costs which range from £1,200 to £1,442psm.
	Stamp duty	No allowance has been given for enhanced SDLT on high-value properties.
	Construction costs	Consequently, all factors add some £30m to construction costs, reducing land values by approximately £237k per Ha.
	Viability cushion	The 'deliverability buffer' varies from only 1% at SA9 (Warfield) to 46% at SA4 (Broadmoor). No reason given as to why a CIL rate of only £150psm to SA4 and SA5 when residential land values exceed the benchmark by £300k and £59k per HA respectively.
	CIL rate	The viability study (May 2012) suggests CIL should be set around 2-6% of development costs, implying a CIL range between £65 and £194psm. Evidence suggests CIL at Warfield should be set at substantially below the top of this range.

Consultee	Section	Comment
		<p>To incentive release of land at Warfield, which is under a variety of ownerships, the Warfield rate should be reduced and increased elsewhere.</p> <p>This would require a closer look at the combined s106 and CIL from the Local Plan's sites to see whether some equalisation of the deliverability buffer, or some other suitable comparative measure, would be appropriate.</p>
Quod (Legal and General Property Partners (Life Fund) Ltd)	Strategic site viability testing	Fails to clearly set out all the inputs and assumptions limiting ability to assess robustness and adequacy of evidence.
	Assumptions	Majority of changes have resulted in costs reducing and values increasing since the initial testing without any reasonable justification or evidence.
		Failed to increase the build cost assumptions despite increasing private sales revenue assumptions from £2,691psm to £2,964.
		Professional fees allowance has been reduced from 12% in the initial appraisal (May 2012) to 10% of build costs despite strategic sites being more complex, requiring a larger professional team.
		Failed to adequately calculate s106 costs (on and off-site) in accordance with the IDP. BNPP use £9,114 per unit however IDP requirements are well in excess of this sum (above £21,000 per unit).
	Viability buffer	Underestimates cast doubt over whether there is a sufficient viability buffer to mitigate any adverse impact on development viability – fails to satisfy Para 30 of statutory guidance.
	Executive report – affordable housing and s106	<p>S106 contributions and Affordable Housing records provides insufficient detail to enable analysis and comparison with proposed CIL rates, i.e. what the s106 contributions entailed and the average s106 contribution derived per unit.</p> <p>The proportion of AH that has been achieved as a proportion of the total housing number can not be established to determine achievement of AH policy targets.</p>

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	Reg 123 list	<p>Remains significant ambiguity over what will be funded through CIL and what through s106, as the list includes a number of generic themes that could be interpreted to be included in both the Reg 123 list and in the IDP. Such as, in relation to Policy SA5 (TRL):</p> <ul style="list-style-type: none"> • Transport – IDP requires contribution of £3.85m or in-kind contributions towards the list of schemes on the Reg 123 list; • Education – contributions and land sought where appears on Reg 123 list; • Libraries – IDP seeks a contribution though it's on the Reg 123 list; • Built Sports – IDP seeks a contribution though it's on the Reg 123 list.
	Exceptions policy	<p>Given concerns over what will be secured through CIL and what through s106, continuing to present the risk of double-charging, the Council should include an exceptions policy to enable the CIL charge, or elements of it, to be waived or reduced should the s106 bill related to the TRL site exceed the CIL liability.</p>
Radian	Viability grant funding	<p>The "Viability Study" refers to 90,000 per unit of grant funding for affordable housing in 4.3.2. – However grant funding has not been available for Registered Providers s106 sites since 2011 and will not be available until 2015. Therefore the viability of residential developments with affordable housing provision needs to be re-assessed.</p>
	Funding gap calculations	<p>It is unclear how the Infrastructure Projects costs have been calculated to generate the Infrastructure Funding Gap - whether these are estimates or have been independently verified.</p>
	CIL Exemptions	<p>Unclear whether Registered Providers are exempt from CIL when bringing forward sites for affordable and/or private housing.</p>
Savills (Bloor Homes Limited, Croudace Strategic Ltd, David Wilson	Reg 123 list & funding gap	Reg 123 List should include references to alternative sources of funding.
		Publication of funding gap and draft Reg 123 List are welcomed.
		Detailed comments are provided on each infrastructure type and project in the draft Reg 123 List.
	S106/CIL	It would be helpful if BFC could clarify relationship of S106 and CIL at examination.

Consultee	Section	Comment
Homes Southern, Serviced Land No 2 JV LP, Willson Developments Limited and Taylor Wimpey West London (the 'Consortium'))	relationship	
	Grampian conditions	Request the Council make it clear what (if any) Grampian conditions may be secured, including in what circumstances and wording based on the timing of required off-site infrastructure relevant to the phasing of development.
	CIL rates	A comparison is provided of BFC rates and others in the region and it is suggested that it shows Bracknell's is relatively high and the differential is not supported by evidence.
		Rates for Amen Corner sites and Warfield are too high – based on value evidence from Jennett's Park and threshold land value.
		Concerned that the differential between Bracknell urban area (£0 and £25 per sqm) compared to other parts of the Borough (£150 - £220) is high and indicates that there is an ulterior motive in setting rates.
		Savills provide an alternative appraisal based on their own benchmark land value of £617,750 which they say is an average representation of land values in Bracknell Forest. Table produces the following maximum CIL levels: £22.10 for SA6 (Amen Corner North) - £15.47 with 30% buffer £55.96 for SA7 (Blue Mountain) - £39.17 with 30% buffer £129.07 for SA8 (Amen Corner South) - £90.35 with 30% buffer £11.45 for SA9 (Warfield) - £8.01 with 30% buffer
		Savills has carried out a comparison of Section 106 funding and proposed CIL rates. They have used calculations of S106 achieved to provide a comparable CIL rate. For the three example sites these provided equivalent CIL rates of £94, £34 and £53 per sqm. They use this to conclude that the CIL rates proposed outside Bracknell Town Centre are significantly higher in excess of historic planning gain.
	Land supply	Savills refer to BFC lacking a five year land supply with reference to recent appeals and say that the land supply shortfall pertains even with the additional sites in the Site Allocations Local Plan.
	Exceptional relief	Object to BFC not offering exceptional relief which would provide beneficial flexibility.

Consultee	Section	Comment
	Build costs	Not factored in a reasonable build cost for development 'in the round'. However, agree with build costs for strategic sites.
	Enabling cost	Question whether a sufficient enabling cost has been factored in.
	Viability buffer	Not convinced that an appropriate viability buffer (33%) has been allowed for. Rate should not be set at the margins of viability.
	Land value	A credible uplift in land value considerably above EUV needs to be achieved. Resultant land value must therefore considerably exceed £300k per Ha.
		Proposed CIL rates would reduce land values by up to 40% (Table 4.4.1) and Savills consider this excessive.
		Consider the £650k per Ha former industrial land value, based on a EUV of £450k per Ha, to be an under-estimate.
		Savills consider benchmark land values used in the viability study are too low and quote a number of minimum purchase prices agreed in southern and south-eastern England. They say this shows a range of between £494,200 and £741,300 per hectare compared to BNP benchmark of £400,000.
	Profit	Savills experience is that higher developer profit margins than the approach used by BNP (20% for market and 6% for affordable) should apply – provide evidence from a number of developers to support this. A blended profit margin of 20% for both private and affordable units should be assumed.
	Sales values	Concerned that sales values on major urban extensions in Binfield and Warfield are likely to be more aligned with Bracknell values than Binfield ones.
	CIL implementation	Suggest that BFC should produce documentation on how CIL will be implemented as soon as possible.
	Instalments policy	Welcome the extension of payment instalment periods and suggest that bespoke payment methods

Consultee	Section	Comment
		should also be offered.
	Payment in kind	BFC should allow for land to be provided in lieu of CIL (and other infrastructure if permitted by a change in Regulations).
	Exception relief	BFC should offer discretionary relief from the introduction of CIL charging.
Theatres Trust	Charging Rates	Support the Nil rate for 'All other development types' as theatres unable to bear the cost of a CIL charge, while making a net positive contribution to the infrastructure of an area.
	Relief for Charitable Institutions	Strongly recommend that the exemption paragraph contains information regarding relief available for charitable institutions, to make charitable landowners aware that they can apply for charitable relief according to Regulation 47.
Thomas Egger (Asda Stores Limited)	Charging Rates	The proposed CIL Charging Rates will not allow the Council to achieve the aims set out in Core Strategy paragraph 204, of driving a strong regional economy and encouraging new development to come forward.
	Retail charging rates	<p>The 'All other forms of development' use will receive a subsidy at the expense of residential development, residential care accommodation, retail developments exceeding 280sqm and hotels, leading to a disincentive (and market distortion) to investment in these sectors of the economy.</p> <p>The consultation documents do not acknowledge or fully assess Asda's record of recruiting previously unemployed local people, nor the role of retail within the national economy. As the large retail format continues to perform well the documents imply that operators will have the capacity to pay potentially very large sums of CIL.</p> <p>Any Charging Schedule that imposes a charge only on retail would undermine the retail function of local centres by detracting from their viability and vitality, as large retail developers would be discouraged by the imposition of CIL.</p>

Consultee	Section	Comment
	Viability study assumptions	<p>The Viability Study does not make sufficient allowance for the impact of s106 and/or s278 costs when analysing the viability of commercial developments. These costs will need to be paid by developers in addition to CIL; and the costs involved in obtaining planning permission for a development scheme.</p> <p>By underestimating these costs the Council has underestimated the true cost of retail developments and artificially inflated the relevant benchmark land values used for financial viability models, thereby inflating the amount of CIL proposed for retail.</p>
	s106 and affordable housing evidence	<p>The Council has not produced evidence on the amount of income raised by s106 agreements in their area, including whether affordable housing and other targets have been met. It is difficult to see how the Council can be certain that the proposed CIL levy will not prohibit the viability of retail development without having obtained this evidence.</p>
	Splitting large and small retail development	<p>The Council's decision to apply differing CIL rates to small and large retail developments falls outside the scope of the rate differentials permitted in the CIL Regulations.</p> <p>The Viability Study does not provide evidence that differential rates for retail development are justified. The Viability Study does not prospective retail developments that fall below the proposed size threshold of 280 sqm, which makes it extremely difficult to assess whether the size threshold adopted is appropriate, or if the size of the retail unit has a direct impact on the viability of the development scheme. Furthermore, there is no explanation as to why the Sunday Trading threshold should be adopted.</p> <p>Given the lack of viability evidence supporting these thresholds it could be perceived as part of a general policy to support smaller units at the expense of larger ones.</p>
	Change of use and conversions	<p>The Viability Study does not acknowledge that the economics of conversion schemes are very different to those of new build schemes. It is difficult to see how the Council can assess whether the imposition of CIL will put the majority of these schemes at risk without having considered its impact on their viability.</p>
	CIL payments and infrastructure	<p>Although the Council identifies a £106,560,000 funding gap, the Draft Charging Schedule does not make the connection between the CIL charges proposed and the infrastructure requirements of the</p>

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	requirements	<p>particular developments upon which they are being levied.</p> <p>For example the proposed charge would add £380,000 to the cost of a generic 4,000sqm supermarket development. There is no evidence that this is necessarily the appropriate figure in terms of the related infrastructure costs that a retail development should be expected to carry, but rather it appears to be a high level calculation based on the sector's assumed ability to pay.</p> <p>Given the proliferation of modern supermarkets, infrastructure requirements have been reduced, with journey times falling and existing infrastructure used less, not more as a result of such developments. There is a concern that site specific improvements will be sought through Section 106 in addition to CIL, resulting in a double levy for infrastructure.</p>
	CIL reform	The Council should delay putting the Charging Schedule forward for examination until the outcome of DCLG's consultation on regulatory reforms to CIL is known.
	Instalments Policy	The date instalments are to be paid are calculated with reference to the commencement date. Developers who submit a Full Planning Application are therefore at a disadvantage compared to those applying for Outline permission, as the charging regime for outline permissions makes specific allowances for phased development.
	Exceptional circumstances relief	<p>The Council are urged to implement Exceptional Circumstances Relief.</p> <p>Simply exempting schemes from certain Section 106 obligations is unlikely to be sufficient to counteract the negative impacts of the CIL charge. Furthermore, the types of strategic development which are most likely to be of concern to the Council, such as large regeneration or housing schemes are precisely the type of development which are likely to carry heavy site specific infrastructure costs, which will be funded under Section 106, and are most likely to qualify for relief.</p>
	CIL rate	<p>A fairer solution would be to divide the Council's estimate of total infrastructure cost over the charging period, by the total expected development floorspace and apply a flat levy across the District and across all forms of development.</p> <p>The impact of a flat levy on the viability of those types of development which are not currently</p>

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		<p>identified as viable could be balanced by the Council's implementation of exceptional circumstances relief.</p> <p>This would not result in an increase in the levy required from other forms of commercial or other development, but applying the current proposed levy would run the risk of diminishing substantially the number of such stores built, with a consequential loss of employment opportunities and investment.</p> <p>Alternatively the rate for large scale retail developments should be reduced to that of small scale retail developments to ensure consistency.</p>
Warfield Parish Council		None
Woolf Bond (Harcourt Developments) LATE	CIL rate	CIL rate threatens delivery of Warfield. There is a need for greater flexibility (in terms of taking account of on-site infrastructure and risks of double charging) in light of depressed economic conditions.
		Do not consider that the proposed rates meet the legal requirement of regulation 14, which is supported by NPPF, para. 177.
		Given the need for housing and a pressing affordable housing need (as set out in the SHMA), the tariff should be a viable rate so as not to jeopardise viability of sites.
	Double-charging	Comments made on the Infrastructure Funding Gap paper in relation to SPA avoidance and mitigation. A significant proportion of CIL receipts will be used for SANG, however policies in the SALP (such as SA9 Warfield) require on-site bespoke SANG, and so will mitigate impact in its own right. There is a clear conflict as developers would be charged via CIL and s106 – threat of double charging. Similarly, there are concerns regarding other strategic infrastructure, e.g. primary school contributions.
		Given the risk of double counting, the rate for Warfield should be lowered.