

Shropshire Levy Draft Charging Schedule: Representations Form



Community Infrastructure Levy  
Draft Charging Schedule

Representations Form

**Please return to:**

**Planning Policy Team**, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND, preferably by email to

**BY 21<sup>st</sup> April 2011**

**1. Personal Details\***

*\*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.*

**2. Agent's Details (if applicable)**

Title	Mr & Mrs	Mr
First Name	J	Ben
Last Name	Whittingham	McDyre
Job Title (where relevant)		Director
Organisation (where relevant)		McDyre & Co
Address Line 1		18 Church Street
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### Matters on which representations may be made

The purpose of the examination is to consider whether the Draft Charging Schedule meets the following statutory tests in accordance with sections 212(4) and 221 of the Planning Act 2008:

- (a) That the charging authority has complied with the requirements of the Planning Act 2008 and the CIL Regulations;
- (b) That the charging authority has used appropriate available evidence to inform the draft charging schedule;
- (c) That the charging authority has had regard to the Statutory Guidance, "Charging setting and charging schedule procedure guidance" (March 2010).

Representations must relate to these matters. Other matters may be outside the scope of the examination and will be subject to the Examiner's judgement as to their relevance.

All representations will be considered by the Examiner as written representations. In addition, any persons or organisations making representations have the right to be heard in person at the examination, should they choose to appear. The examination will take the format of a hearing, using an informal 'round table' format under the direction of the Examiner.

Q1. Please indicate whether you wish to be present at the Hearing

a) Yes	
b) Possibly: to be decided at a later date and confirmed with the Council in May / June (we will write to you to confirm)	✓
c) No: please treat my representation as a Written Representation (note that equal weight will be given by the Examiner to written representations)	

### (a) Procedural and Legal Points

Q2. Do you wish to make representations regarding matters of technical compliance with the Planning Act 2008 or the CIL Regulations?

a) No	✓
b) Yes <i>(please detail using continuation sheets if necessary)</i>	

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**(b) Appropriate Available Evidence**

Q3. Do you have any representations regarding the evidence that has been used to inform the Draft Charging Schedule?

*(please detail using continuation sheets if necessary)*

*Table 1 of the Levy Rationale Background Paper of March 2011 lists those infrastructure facilities which require funding, and the amount of funding required (funding gap). 27% of the funding required is accounted for by provision of various types of open space and sports field provision. There appears to be no off-set against that figure due to existing provision and existing arrangements for maintenance or contribution for improvements via Council budget or S106 Obligations.*

*We would have thought that funding of police stations, substantial item in budgeted infrastructure costs (£24.4m) would attract central government funding rather than relying on CIL.*

Q4. Do you have any representations regarding the Council's interpretation or use of the evidence?

*(please detail using continuation sheets if necessary)*

Q5. Do you have any other representations regarding the statutory test, "That the charging authority has used appropriate available evidence to inform the draft charging schedule"?

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*(please detail using continuation sheets if necessary)*

### **(c) Regard to the Statutory Guidance**

Q6. Do you have any comments on the proposed Levy rates for residential development, of £40/m<sup>2</sup> in Shrewsbury, the towns and key centres and £80/m<sup>2</sup> in the rural area?

(NB. Comments relating to charging zones should be addressed in Q7 and comments relating to affordable housing should be addressed in Q8)

*(please detail using continuation sheets if necessary)*

*We gather that the development industry generally seems to accept the rate per residential development of £40/m<sup>2</sup> for the towns and key centres but this may be based on historic land values. Para 6.13 of the Levy Rationale Background Paper of March 2011 suggests that average residential land prices with planning permission range between £1m-£1.5m/acre. Our experience would suggest that in the recent and current economic climate only half of these rates per acre are achievable, ie within the range £0.5m-£0.75m/acre. That would mean an equivalent reduction in land value of between 6% and 10% which is considerably more than the 3%-5% the Council calculate. CIL rate of £20/m<sup>2</sup> would be more appropriate representing a reduction in land value of between 3%-5% as the Council intended.*

Q7. Do you have any comments on the boundary line between the two Charging Zones?

*(please detail using continuation sheets if necessary)*

*We support the boundary zone line for Market Drayton.*

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Q8. Do you have any comments on the proposed nil Levy rate for affordable housing?

*(please detail using continuation sheets if necessary)*

*We support Shropshire Council's view that affordable housing is not economically viable to bear CIL (Levy Rationale Background Paper March 2011, para 4.27).*

Q9. Do you have any comments on the proposed Levy rates for any other type of development (commercial, industrial, employment, retail, hotels, residential institutions, assembly and leisure, agricultural or other uses)?

*(please detail using continuation sheets if necessary)*

*We support the nil Levy rate for agricultural development and for all other commercial, industrial, retail, leisure and institutional uses.*

*There is one particular area of charge which is not properly covered in the Council's evidence for CIL. This is in respect of live/work units. The draft charging schedule sets out a mechanism for a mix of development types so that the Levy for each type is calculated separately and then added together to provide the total chargeable amount.*

*At Sych Farm, Market Drayton my clients Mr & Mrs Wittingham have planning permission for conversion of existing farm buildings into six B1 lockup office style units together with six new build dwellings. However the residential units cannot be occupied independently of the office units. The market in the best of times for this style of development is difficult and almost impossible in the current economic climate particularly as the office units require a commercial rather than a residential mortgage and this is difficult, if not more difficult, to secure than a residential mortgage.*

*In the circumstances it would be unreasonable on viability grounds to exact £40/m<sup>2</sup> for the residential element and the Council is urged to remove the CIL Levy for this style of residential use.*

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Q10. Do you have any other comments relating the Council's Charging Schedule?

*(please detail using continuation sheets if necessary)*

### **Comments on other matters**

Please note that comments on the Accompanying Notes or any other matters that do not form part of the Charging Schedule will not be considered in the examination, but will be included as part of the responses to the concurrent consultation on the Developer Contributions Supplementary Planning Document. This includes comments on the types of infrastructure on which the CIL may be spent in the future.