

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 21st 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	<input type="text"/>	<input type="text"/>
First Name	<input type="text"/>	<input type="text"/>
Last Name	<input type="text" value="SHRANK"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text"/>
Address Line 1	<input type="text"/>	<input type="text"/>
Line 2	<input type="text"/>	<input type="text"/>
Line 3	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text"/>

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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	Yes please
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	CIL regulations
b) Yes <i>(please detail using continuation sheets if necessary)</i>	

(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)

See below – question 9

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

(please detail using continuation sheets if necessary)

See answer to question 9

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”?

(please detail using continuation sheets if necessary)

See answer to question 9

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(c) Regard to the Statutory Guidance

Q6. Do you have any comments on the proposed Levy rates for residential development, of £40/m² in Shrewsbury, the towns and key centres and £80/m² 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)

No

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

(please detail using continuation sheets if necessary)

No

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

(please detail using continuation sheets if necessary)

No

Shropshire Levy Draft Charging Schedule: Representations Form

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)

Yes.

I understand that the CIL is designed to reduce the dependence on S106 agreements to fund necessary infrastructure consequent on the proposed development. The Council's proposals exempting all non-residential developments would deny this facility, and would perpetuate the current detailed and often protracted negotiations that are inevitable between developer and planning authority.

The CIL is also designed to ensure that a substantial proportion of the Levy is devoted to 'neighbourhood' improvements, whereas in S106 agreements this is not mandatory and may not be agreed.

Thirdly, the decision to exact the CIL only from developers of dwellings, imposes a totally unfair taxation of developers of residential property.

Fourthly, the argument that taxing non-residential development would deter developers is unfounded. So far all other Local Authorities, which have published their CIL proposals, are not exempting non-residential development, because they do not see the CIL as a disincentive. Because the charges are defined by the nature and size of the development, developers do not have to argue over the Levy as they do with a S106 agreement.

Fifthly, to argue that applying the CIL to all retail development would penalise farmer's markets could be avoided by having a banding of charges so that the CIL on small retail development would be at a lower rate than larger developments such as new supermarkets or mezzanine development in large retail outlets.

If this criticism is accepted, a zoning system could be simply designed by designating the small market towns with a lower rate of CIL and a higher rate for Shrewsbury town, using the criteria of profitability considered pertinent for rural versus urban dwellings.

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Shropshire Levy Draft Charging Schedule: Representations Form

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

(please detail using continuation sheets if necessary)

No

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.