



# **Kirklees Council**

## **Community Infrastructure Levy (CIL)**

### **Preliminary Draft Charging Schedule Consultation Report**

**November 2016**

Planning Policy Group  
Investment and Regeneration Service  
Kirklees Council  
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## Kirklees Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule Consultation Report

Summary of comments submitted during consultation on the Kirklees CIL Preliminary Draft Charging Schedule: 9<sup>th</sup> November 2015 to 1<sup>st</sup> February 2016.

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
<b>1. Please tell us whether you think that the proposed CIL charge rates are reasonable?</b>			
PDCS2 – Miss Morgan Stringer	Wakefield City Council	<p>Residential rates at the boundary with Wakefield Council are generally consistent with those set in Wakefield, apart from at the boundary with Gawthorpe in Wakefield (£20psm) and Chidswell and Shaw Cross in Kirklees (£60 psm).</p> <p>The methodology used to formulate the rates is consistent with that used in Wakefield’s CIL which was examined and approved in October 2015.</p> <p>Commercial rates are considered to be consistent with Wakefield, retail warehouse rate proposed for Kirklees is £100 psm which is comparable to Wakefield where £89 psm is proposed.</p> <p>The commercial evidence also suggests that convenience stores could withstand charge where none has been proposed.</p>	<p>Comments noted.</p> <p>Convenience stores indicated the potential for CIL in certain locations. However most supermarket formats were shown to be at best marginal in the context of the well-publicised retrenchment of the ‘big 4’s’ acquisition programmes and to avoid un due complexity it was judged to exclude this type of development.</p>
PDCS15 – Ziyad Thomas (The Planning Bureau Ltd)	McCarthy and Stone Retirement Lifestyles Ltd	Accommodation for elderly persons is considered to make an important contribution to meeting housing need, housing supply and delivery for Kirklees. It is not considered that the proposed CIL has adequately considered such types of	Older person’s accommodation has been tested separately. See chapter 5.5 of the Local Plan and CIL Viability assessment and also Page 51 on the results. A care home

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		<p>specialist accommodation, and therefore contravenes Government Guidance. The NPPF stipulates the need to deliver a wide choice of homes to create sustainable, inclusive and mixed communities. LPAs should plan for a mix of housing based on current and future demographic market trends and different groups in the community such as older people.</p> <p>It is considered important that the CIL does not prohibit the development of specialist accommodation for the elderly at a time when there is an existing and urgent need for this form of housing. By not properly assessing this form of development the proposed CIL rate it is considered that the CIL would threaten the delivery of the Local Plan.</p> <p>The proposed CIL does not appear to acknowledge the very specific viability issues associated with specialist accommodation for the elderly, when many other local authorities are making specific difference. A report produced by McCarthy &amp; Stone Lifestyles Ltd and Churchill Retirement Living Ltd sets out this viability position in detail.</p>	<p>was tested and indicated there was no CIL headroom. Therefore specialist forms of housing (i.e. C2 in the Use Classes Order) have been excluded from the Residential charge rates.</p>
PDCS10 – Mr Richard Hamer	Individual	<p>The principle of having a charge against development has merit and is fair balance between benefits and needs of local communities.</p> <p>However the method of calculation is considered to be inappropriate. Developers have fixed profits and costs to achieve, where there are high abnormal costs this impacts on land values, which in turn impacts on the price the land</p>	<p>Comments noted.</p> <p>Method of calculation is however considered to be appropriate and consistent with best practice and the requirements for viability testing for CIL.</p>

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		<p>owners can achieve for their land. Therefore it is the landowners who will stand the cost of the CIL and not developers.</p> <p>Without landowners willing to sell land, or a sale appearing attractive it will lead to a short supply of available land.</p>	
PDCS16 – Mrs Christine Sykes	Individual	Any CIL payment would be reasonable.	Comments noted.
PDCS19 – Mr Ian Stuart	West Yorkshire Police	Yes	Comments noted.
PDCS69 – Cllr Graham Turner	Councillor	Fully support the CIL	Comments noted.
PDCS34 – Mr Andrew Rose (Spawforth Associates)	Miller Homes	Miller Homes are concerned that the evidence base has not been presented and the assumptions taken do not justify the proposed residential charging rates, particularly the £20 per sq. m. which covers the Dewsbury Riverside site. Miller Homes considers that at these rates the majority of schemes would be unviable.	Evidence indicates that £20 psm in the Dewsbury Riverside value areas would be viable with a reasonable viability buffer. The rates are not set at the limit of viability. It is important to not make simple comparisons to other locations as Kirklees has a lower affordable housing requirement than say Wakefield (20% compared with 30% of all units) which increases the relative headroom for CIL in Kirklees.
PDCS60 – Matthew Sheppard (Turley)	Keyland Developments Ltd	A proposed nil rate for employment uses is considered to be acceptable given the costs associated with employment sites.	Comments noted.
PDCS70 – Cllr Michael	Councillor	The rates seem reasonable.	Comments noted.

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Watson			
PDCS50 - (Spawforth Associates)	Taylor Wimpey UK Ltd	Taylor Wimpey are concerned that the evidence base has not been presented and the assumptions taken do not justify the proposed residential charging rates, particularly in the higher value areas with proposed CIL Rates of £60 to £80 per sq m. Taylor Wimpey considers that at these rates the majority of schemes in these zones would be unviable.	Evidence indicates that £80 psm in the highest value areas would be viable with a reasonable viability buffer. The rates are not set at the limit of viability. It is important to not make simple comparisons to other locations as Kirklees has a lower affordable housing requirement than say Wakefield (20% compared with 30% of all units) which increases the relative headroom for CIL in Kirklees.
PDCS31- Helen France	Individual	The Dearne Valley area should not be located in a low CIL zone, and the rate for the whole of Kirklees Rural should be consistent and the highest band of charge.	After reviewing the charging boundaries, reducing the total number to 4, considering the underlying housing market value areas and re-assessing viability, the Dearne Valley has been included in the higher charging zone.
<b>2. Please state whether you think the charging zone map is accurate, and suggest any changes that you think should be made?</b>			
PDCS6 – Mr David G Collins	Individual	It is difficult to work out which area is which on the charging zones map.	The PDCS map is based on an OS base map of a scale deemed suitable for consultation. The Draft Charging Schedule map will be published for consultation with an appropriate OS base map, with the ability to view in more detail online.
PDCS11 - Mr Richard Hamer	Individual	It is considered that a zoning map is not the best way forward and it will create anomalies. A single charge across the whole district will work well.	The zoning map is based on viability evidence, and is considered to be the most appropriate way to ensure the CIL charge is viable for developments in different

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			market areas across the district.
PDCS20 – Ian Stuart	West Yorkshire Police	No comment.	Comments noted.
PDCS35 – Mr Andrew Rose (Spawforth Associates)	Miller Homes	<p>Evidence has been provided from Miller Homes that 7 value areas should be provided in the district. Miller Homes consider that the map should be reviewed in light of more up to date average house price evidence.</p> <p>Zone 3 appears to include some fairly low value areas and directly abuts zones 4 and 5 in and around Dewsbury which is unlikely to be realistic. The charging zones should be reviewed.</p> <p>The charging map should be easy for the public to read and understand the charging zones.</p>	<p>The use of average house prices (i.e. blended and new build housing prices) is the only comprehensive and consistent means of documenting residential property values on an area-wide basis. However, whilst it is useful in informing geographical areas, it is the new build sales evidence which we have used to inform the value assumptions which we have overlayed across the average house prices. We note the alternative map that has been presented in the representation which disaggregates the District into a greater number value area bands. Whilst this provides an interesting illustration of the small variation in average house prices at a neighbourhood level, we do not consider it appropriate to apply this level of disaggregation in the viability analysis nor ultimately in the charging schedule. We consider it is overly complex and more significantly there is inadequate new build sales evidence to substantiate the sales value assumptions that could be applied in each area.</p>

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			<p>The number of charging zones has been reviewed and reduced from 5 to 4 based on an updated evidence base.</p>
<p>PDCS47 – Mr Clive Brook (Johnson Brook)</p>	<p>Development Consultant</p>	<p>Further justification is required to the proposed CIL Zones in 1, 2 and 3. CIL combined with s106 will render a number of sites unviable.</p>	<p>The zoning map has been based on viability evidence, and is considered to be the most appropriate way to ensure the CIL charge is viable for developments in different market areas within the district.</p> <p>The number of charging zones has been reviewed and reduced from 5 to 4 based on an updated evidence base.</p>
<p>PDCS51 - (Spawforth Associates)</p>	<p>Taylor Wimpey UK Ltd</p>	<p>Suggest that the Charing Zones be adjusted to reflect more appropriate areas and boundaries. The charging zones and the boundaries between them lack clarity and justification. For example, Zone 3 appears to include some fairly low value areas and directly abuts Zones 4 and 5 in and around Dewsbury, which is unlikely to be realistic.</p> <p>The charging zones should be reviewed. The charging zones should accord with the Regulations and Guidance and be shown on an appropriate map base which enables the public to easily understand the zones.</p>	<p>The zoning boundaries have been based on postal code sectors for the district as this forms the evidence base for house price data. It is not considered appropriate to make significant amendments to such boundaries to reflect features on the ground as there is no evidence to support such a change.</p> <p>The PDCS map is based on an OS base map of a scale deemed suitable for consultation. The Draft Charging Schedule map will be published for consultation with an appropriate OS base map, with the ability to view in more detail online.</p> <p>The number of charging zones has been</p>

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			reviewed and reduced from 5 to 4 based on an updated evidence base.
PDCS59 – Nigel J Chambers (Tangent Properties)	Nether End Farm (Denby Dale) Ltd	<p>The level of charge proposed within zone 1 is far too high and out of kilter with similar housing market areas in Wakefield and Rotherham. Recommend that a more appropriate rate is set at no more than £55 per sq m for the highest value areas within the borough.</p> <p>Evidence presented by the Council does not support two high level geographic charging zones. There appears to be conflicting information on housing sales value rates and wide variations for the two highest value areas within Kirklees. In order to meet the test of soundness contained within the NPPF only one higher value geographic area(s) can be justified.</p>	<p>It is important to not make simple comparisons to other locations as Kirklees has a lower affordable housing requirement than say Wakefield (20% compared with 30% of all units) which increases the relative headroom for CIL in Kirklees.</p> <p>The charging zones are based on average house prices mapped by postal code. The rates that apply within those zones are based on new build revenue evidence that has been researched within each zone. The average house price map has been updated and additional new build evidence carried out to reinforce the evidence base.</p> <p>The average house price bands have been adjusted to align more closely with the new build evidence. The bands have been simplified from five to four areas taking into account the updated evidence. The revised high value band is based on an average house price of £190,000 to £294,000, in which the average revenue from new build evidence is approximately £230 per sq ft. The remodelling of the</p>

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			viability appraisals indicate that this area can support the PDSC tariff of £80 per sq m.
PDCS16 – Mrs Christine Sykes	Individual	It is difficult to work out which area is which as the map isn't clear.	The PDCS map is based on an OS base map of a scale deemed suitable for consultation. The Draft Charging Schedule map will be published for consultation with an appropriate OS base map, with the ability to view in more detail online.
PDCS57 – Nigel J Chambers (Tangent Properties)	Nether End Farm (Denby Dale) Ltd	<p>The proposed CIL rates in Zones 1 and 2 at £80 and £60 are too high, zones 1 and 2 should be amalgamated to reduce the number of zones.</p> <p>A more appropriate rate of no more than £55 per sq m should be set for the highest value areas.</p> <p>The evidence presented does not support two high level geographical charging zones. There appears to be conflicting information about sales value rates, and wider variations for the two highest value areas.</p>	<p>The charging zones are based on average house prices mapped by postal code. The rates that apply within those zones are based on new build revenue evidence that has been researched within each zone. The average house price map has been updated and additional new build evidence carried out to reinforce the evidence base.</p> <p>The average house price bands have been adjusted to align more closely with the new build evidence. The bands have been simplified from five to four areas taking into account the updated evidence. The revised high value band is based on an average house price of £190,000 to £294,000, in which the average revenue from new build evidence is approximately £230 per sq ft. The remodelling of the viability appraisals indicate that this area</p>

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			can support the PDSC tariff of £80 per sq m.
<p><b>3. Please tell us if you agree or disagree with the assumptions that have been used in the CIL supporting evidence (Kirklees Local Plan and Community Infrastructure Levy Viability Study, Kirklees Local Plan Infrastructure Delivery Plan, Kirklees CIL Preliminary Draft Charging Schedule Background Report)?</b></p>			
PDCS3 - Miss Morgan Stringer	Wakefield Council	The assumptions are considered to be appropriate and appear to be consistent with those of Wakefield.	Comments noted.
PDCS21 – Mr Ian Stuart	West Yorkshire Police	West Yorkshire Police are reviewing their estate going forward to ensure that they can provide an effective service going forward and to meet public expectations, increase in population and new challenges. The infrastructure delivery plan should acknowledge this.	The IDP is a live document, and will be updated considering additional evidence provided as part of the consultation process.
PDCS26 – Toni Ross	Highways England	<p>Capacity improvement schemes on the strategic road network (SRN) are necessary to address the impact of increasing traffic levels caused by growth in long distance travel and by traffic generated by and /or attracted to developments proposed in the Local Plans of planning authorities in West Yorkshire and neighbouring areas.</p> <p>The Kirklees Infrastructure Delivery Plan (IDP) should be updated with schemes on the government’s Road Investment Strategy (RIS).</p> <p>The initial results of modelling undertaken as part of the Highways England West Yorkshire Infrastructure Study (WYIS) indicate that capacity improvement measures additional to the schemes included in the RIS will be needed</p>	The IDP is a live document, and will be updated considering additional evidence provided as part of the consultation process.

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		to cater for demand generated by development in Kirklees and neighbouring districts during the period to 2030. Additional schemes set out in this work should be included in the IDP.	
PDCS36 – Mr Andrew Rose (Spawforth Associates)	Miller Homes	<ul style="list-style-type: none"> <li>• The IDP is not clear about the overall net funding gap across all infrastructure areas.</li> <li>• The background report indicates the gap is £63 million however this has not been extrapolated from the IDP and whether this total includes essential or desirable projects.</li> <li>• There is no cumulative total for infrastructure projects shown in the IDP and no detail on the split between essential or desirable. It is therefore difficult to corroborate such statements.</li> <li>• Greater clarity is required to detail how the list of infrastructure projects has been arrived at and how the costs have been calculated and the potential other sources of funding. Miller Homes is concerned that the IDP represents an aspirational document rather than a route map for the delivery of essential infrastructure, and it therefore does not provide a sufficiently reliable basis upon which to form a view on the soundness of the Charging Schedule and levels.</li> <li>• Miller Homes is concerned for the potential of double dipping, for example the Regulation 123 list appears to seek education contributions whilst allowing site specific contributions through s106 obligations. Education should either be CIL or S106.</li> <li>• The Council needs to demonstrate the positive actions which they will take to delivery major infrastructure</li> </ul>	<p>Comments noted. Further points responded to below:</p> <p><b>IDP</b> – A funding gap has been identified in the IDP based on the infrastructure needs of the Draft Local Plan. The IDP Addendum clarifies the infrastructure funding gap.</p> <p>The R123 list has been revised for the Draft Charging Schedule consultation.</p> <p><b>Revenue</b> - revised value area places the site in Value area 2 - £200 psf, it is also close to Moor Croft (£220 psf) and Marmaville (£190 psf). Therefore propose overall value as £200 psf. The revised site specific appraisal assumes a lower revenue at the outset of £185 psf stepping up to £200 psf once the market is established.</p> <p><b>Residential Development Scheme Selection</b> - The area wide analysis was based on 10 schemes in five value areas, at six different affordable housing scenarios - this equates to 300 appraisals. The</p>

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		<p>projects in the district and which require additional top up funding via the CIL.</p> <ul style="list-style-type: none"> <li>• There is no evidence of new build properties within close proximity to the Dewsbury Riverside site, the sites location within 3 value areas is therefore not accepted, and a blended rate is considered to be more appropriate of £185 per sq ft.</li> <li>• A broader range of residential schemes should be assessed as part of the Viability Study. Currently only ten schemes have been assessed and has assessed only 5 strategic sites. Further broader assessment should therefore be undertaken, inducing sensitivity analysis in terms of size and distribution of sites. Miller Homes objects to the assumptions used in the Dewsbury Riverside site assessment, further information is being prepared including a viability assessment and Miller Homes are willing to engage with Cushman and Wakefield to ensure that appropriate assumptions are made about the site.</li> <li>• Unit Size – Miller homes accepts assumptions used.</li> <li>• Build Costs – Miller homes accepts assumptions used.</li> <li>• Professional Fees – the use of 8% is noted, nationally for larger sites of over 500 dwellings, professional fees will vary from between 6-12%.</li> <li>• Contingency Allowance – the use of 3% contingency is considered low as it will depend on individual site circumstances, a figure of 5% is considered more appropriate.</li> <li>• Marketing, sales agent and legal fees – the proposed</li> </ul>	<p>appraisals were then subject to three sensitivity tests (plus and minus revenue and plus cost). On top of this the five major strategic allocations were tested with various sensitivities. We consider that the quantity of schemes tested to adequately meet the requirements of appropriate available evidence - critically they are considered to provide an adequate range of sites that reflect the most likely development in the District. An additional site specific appraisal has been carried out of a brownfield site in Cleckheaton.</p> <p><b>Indicative Development Site Locations -</b> The representation demonstrates new build revenues of £203 per sq ft (Moor Croft) and £222 per sq ft (Meadowbrook). Whilst these developments are not immediately adjacent to the Dewsbury Riverside area, they are considered within the same housing market and given the scale of Dewsbury Riverside we consider there to be a realistic prospect of creating a market that is above the tone of the existing neighbourhood.</p> <p><b>Blended Rate for Site –</b> The revised value</p>

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		<p>used of 3.5% of GDV is considered on the low end assumptions of between 3.5-4% are the industry norm.</p> <ul style="list-style-type: none"> <li>• Purchasers Costs – should comprise of 4% stamp duty on sites with a value of £500,000, 1 to 1.5% agent fees, 0.5% legal fees.</li> <li>• Finance - A finance rate of 6.75% on the ‘negative balance’ has been assumed. The industry norm is a debit rate of between 6 to 7% (including entry and exit fees).</li> <li>• Profit – There is concern with the assumed 6% profit on affordable units. There is a great deal of uncertainty in the affordable housing sector introduced by the Chancellor’s announcement on Friday 10 July 2015 to changes to affordable housing policy. These changes have led to Registered Providers offering lower prices for affordable units and affordable housing revenue should not be viewed as low risk with a lower profit rate applied on these units. A 20% profit rate should be applied across all units. Higher profit levels should be used towards the higher thresholds of rates suggested 18-22%. An appeal decision APP/X0360/A/12/2179141 set out that a 20% threshold is at the lower end of the profit range.</li> <li>• Transfer values - we would strongly advocate that these transfer values and tenure mix be reviewed to reflect changes in affordable housing policy going forward. Moreover, if the Council wants to maintain close to policy levels of affordable housing then the need for greater levels of flexibility in the definitions, tenure mix and restrictions on use is paramount.</li> <li>• Abnormal Costs – there is not sufficient justification to</li> </ul>	<p>area map indicates Dewsbury Riverside to straddle two value areas (Value Area 4 £150 psf and Value Area 2 £200 psf). Given the potential of the wider housing market demonstrated by new build evidence we consider it appropriate to model the first phase of 500 units at the £185 psf suggested and then increasing to £200 psf.</p> <p><b>Residential Land Values</b> - Original correspondence provided by Spawforths indicated that there would be three different values occurring across the Dewsbury Riverside site. The revised appraisals have been updated with blended revenues across the whole site.</p> <p><b>Contingency</b> - 3% allowance for contingencies is within the industry standard. A separate allowance for abnormals has been made. Conservatism elsewhere in the appraisals allow for insulation against variations (e.g. abnormals, land value benchmarks).</p> <p><b>Transfer Values</b> - The tenure mix and transfer values are based on the current SHMA and policy in respect of transfer</p>

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		<p>the abnormal costs assumptions of £150,000 per acre particularly given the varying topography of the district.</p> <ul style="list-style-type: none"> <li>• Value Areas across the district – the value areas set out across the district are broadly accepted, though it is considered that there is no evidence to detail that there are 3 value areas for Dewsbury Riverside, and that there are more variations at the lower end of values.</li> <li>• Zero Carbon Homes – this policy was scrapped by the government and it is not considered to be relevant.</li> </ul>	<p>values. The rent transfer values are based on social rent rather than affordable rent which is now the predominant form of rented affordable product; given that affordable rent is generally a higher value than social rent, this could mean an under estimation of the potential transfer value. Similarly, given the likelihood of starter homes forming part of the mix by the time the CIL is to be adopted, this will also increase the overall transfer value equation. Therefore, the current transfer values are conservative and there is considered to be significant in built viability buffers in view of the changes that are expected in the near future.</p> <p><b>Abnormal Costs</b> – Details of site abnormal development costs are limited. The allowance is expected to provide for a typical level of site abnormal costs. Site specific appraisals indicated that where abnormal costs are particularly high there is a greater tolerance in the price that land owners will be willing to accept for the release of their sites. The evidence set out in Appendix 1 of site specific viability cases indicated a target minimum land value of £150,000 per acre. Therefore, applying</p>

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			<p>this level to the serviced site value benchmarks used in our appraisals suggests an even greater tolerance for abnormals than previously indicated.</p> <p><b>Profit</b> - The blended profit is justified by the fact that affordable units are delivered effectively on a pre-sale basis resulting in the risk profile and thus profit requirements being different. The HCA DAT model states that profit on affordable houses “[profit rate] should be moderate to reflect low risk of this activity. Note BCIS costs include contractors’ profit, therefore should be zero when based on BCIS costs”</p> <p><b>Viability Assessment</b> – Cushman &amp; Wakefield has engaged with Spawforths who have not been able to provide any further viability appraisal or evidence.</p> <p><b>Timescales</b> - Revised appraisals for Dewsbury Riverside produced with bespoke phasing.</p> <p><b>Zero Carbon</b> - 5% zero carbon uplift not relevant - Noted - this is a sensitivity only, it has not been the basis for determining CIL headroom.</p>

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PDCS52 - (Spawforth Associates)	Taylor Wimpey UK Ltd	<ul style="list-style-type: none"> <li>• The IDP is not clear about the overall net funding gap across all infrastructure areas.</li> <li>• The background report indicates the gap is £63 million however this has not been extrapolated from the IDP and whether this total includes essential or desirable projects.</li> <li>• There is no cumulative total for infrastructure projects shown in the IDP and no detail on the split between essential or desirable. It is therefore difficult to corroborate such statements.</li> <li>• Greater clarity is required to detail how the list of infrastructure projects has been arrived at and how the costs have been calculated and the potential other sources of funding. Taylor Wimpey is concerned that the IDP represents an aspirational document rather than a route map for the delivery of essential infrastructure, and it therefore does not provide a sufficiently reliable basis upon which to form a view on the soundness of the Charging Schedule and levels.</li> <li>• Taylor Wimpey is concerned for the potential of double dipping, for example the Regulation 123 list appears to seek education contributions whilst allowing site specific contributions through s106 obligations. Education should either be CIL or S106.</li> <li>• The Council needs to demonstrate the positive actions which they will take to delivery major infrastructure projects in the district and which require additional top up funding via the CIL.</li> <li>• A broader range of residential schemes should be</li> </ul>	<p>Comments noted. Further points responded below:</p> <p><b>IDP</b> – A funding gap has been identified in the IDP based on the infrastructure needs of the Draft Local Plan. The IDP Addendum clarifies the infrastructure funding gap.</p> <p>The R123 list has been revised for the Draft Charging Schedule consultation.</p> <p><b>Residential Development Scheme Selection</b> - The area wide analysis was based on 10 schemes in five value areas, at six different affordable housing scenarios - this equates to 300 appraisals. The appraisals were then subject to three sensitivity tests (plus and minus revenue and plus cost). On top of this the five major strategic allocations were tested with various sensitivities. We consider that the quantity of schemes tested to adequately meet the requirements of appropriate available evidence - critically they are considered to provide an adequate range of sites.</p> <p><b>Transfer Values</b> - The tenure mix and</p>

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		<p>assessed as part of the Viability Study. Currently only ten schemes have been assessed and has assessed only 5 strategic sites.</p> <p>Further broader assessment should therefore be undertaken, including sensitivity analysis in terms of size and distribution of sites.</p> <ul style="list-style-type: none"> <li>• Build Costs – the costs of £964 per sq m exclude abnormal costs.</li> <li>• Professional Fees – the use of 8% is noted, nationally for larger sites of over 500 dwellings, professional fees will vary from between 6-12%.</li> <li>• Contingency Allowance – the use of 3% contingency is considered low as it will depend on individual site circumstances, a figure of 5% is considered more appropriate.</li> <li>• Marketing, sales agent and legal fees – the proposed used of 3.5% of GDV is considered on the low end assumptions of between 3.5-4% are the industry norm.</li> <li>• Purchasers Costs – should comprise of 4% stamp duty on sites with a value of £500,000, 1 to 1.5% agent fees, 0.5% legal fees.</li> <li>• Finance - A finance rate of 6.75% on the ‘negative balance’ has been assumed. The industry norm is a debit rate of between 6 to 7% (including entry and exit fees).</li> <li>• Profit – There is concern with the assumed 6% profit on affordable units. There is a great deal of uncertainty in the affordable housing sector introduced by the Chancellor’s announcement on Friday 10 July 2015 to changes to affordable housing policy. These changes have</li> </ul>	<p>transfer values are based on the current SHMA and policy in respect of transfer values. The rent transfer values are based on social rent rather than affordable rent which is now the predominant form of rented affordable product; given that affordable rent is generally a higher value than social rent, this could mean an under estimation of the potential transfer value. Similarly, given the likelihood of starter homes forming part of the mix, this will also increase the overall transfer value equation. Therefore, the current transfer values are conservative and there is considered to be significant in built viability buffers in view of the changes that are expected in the near future.</p> <p><b>Contingency</b> - 3% allowance for contingencies is within the industry standard. A separate allowance for abnormals has been made. Conservatism elsewhere in the appraisals allow for insulation against variations (e.g. abnormals, land value benchmarks).</p> <p><b>Profit</b> - The blended profit is justified by the fact that affordable units are delivered effectively on a pre-sale basis resulting in</p>

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		<p>led to Registered Providers offering lower prices for affordable units and affordable housing revenue should not be viewed as low risk with a lower profit rate applied on these units. A 20% profit rate should be applied across all units. Higher profit levels should be used towards the higher thresholds of rates suggested 18-22%. An appeal decision APP/X0360/A/12/2179141 set out that a 20% threshold is at the lower end of the profit range.</p> <ul style="list-style-type: none"> <li>• Transfer values - we would strongly advocate that these transfer values and tenure mix be reviewed to reflect changes in affordable housing policy going forward. Moreover, if the Council wants to maintain close to policy levels of affordable housing then the need for greater levels of flexibility in the definitions, tenure mix and restrictions on use is paramount.</li> <li>• Abnormal Costs – there is not sufficient justification to the abnormal costs assumptions of £150,000 per acre particularly given the varying topography of the district.</li> <li>• Value Areas across the district – The value areas should be based on more up to date information given that house price data up to March 2015 has been used.</li> <li>• Zero Carbon Homes – this policy was scrapped by the government and it is not considered to be relevant.</li> </ul>	<p>the risk profile and thus profit requirements being different. The HCA DAT model states that profit on affordable houses “[profit rate] should be moderate to reflect low risk of this activity. Note BCIS costs include contractors’ profit, therefore should be zero when based on BCIS costs”</p> <p><b>Transfer Values</b> - The tenure mix and transfer values are based on the current SHMA and policy in respect of transfer values. The rent transfer values are based on social rent rather than affordable rent which is now the predominant form of rented affordable product; given that affordable rent is generally a higher value than social rent, this could mean an under estimation of the potential transfer value. Similarly, given the likelihood of starter homes forming part of the mix, this will also increase the overall transfer value equation. Therefore, the current transfer values are conservative and there is considered to be significant in built viability buffers in view of the changes that are expected in the near future.</p> <p><b>Abnormal Costs</b> - Details of site abnormal development costs are limited. The</p>

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			<p>allowance is expected to provide for a typical level of site abnormal costs. Site specific appraisals indicated that where abnormals are particularly high there is a greater tolerance in the price that land owners will be willing to accept for the release of their sites. The evidence set out in Appendix 1 of site specific viability cases indicated a target minimum land value of £150,000 per acre. Therefore, applying this level to the serviced site value benchmarks used in our appraisals suggests an even greater tolerance for abnormals than previously indicated.</p> <p><b>Value Areas</b> – These have been reviewed and updated as part of the draft charging schedule.</p> <p><b>Zero Carbon</b> - 5% zero carbon uplift not relevant - Noted - this is a sensitivity only, it has not been the basis for determining CIL headroom.</p> <p><b>Affordable Housing</b> – Affordable housing rates have been varied in the sensitivity analysis.</p>
PDCS29 – Mr Ian Stokes	City of York Council	Suggestions made in relation to wording of section 4 of the PDCS.	Comments noted.

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
PDCS58 – Nigel J Chambers (Tangent Properties)	Nether End Farm (Denby Dale) Ltd	There is no sound evidence which accords with the requirements of the NPPF which details that there should be separate geographical charging zones between zones 1 and 2, they should be amalgamated. One of sales examples in value area 1 The Bridges at Holmfirth is indicated as achieving a sales rate of £221 per sq ft, however one in value area 2 one is an apartment scheme achieving £281 per sq ft and two others (Moorcroft at Mirfield and Radley Fold in Huddersfield) are achieving £223 and £233 per sq ft respectively. The difference in sales rate between the two is there for not significant enough to require separate zones.	<p>Rates have been reviewed and charging zones 1 and 2 have been amalgamated under a blended rate of £230 per sq ft which is supported by evidence.</p> <p>The charging zones are based on average house prices mapped by postal code. The rates that apply within those zones are based on new build revenue evidence that has been researched within each zone. The average house price map has been updated and additional new build evidence carried out to reinforce the evidence base. The average house price bands have been adjusted to align more closely with the new build evidence. The bands have been simplified from five to four areas taking into account the updated evidence. The revised high value band is based on an average house price of £190,000 to £294,000, in which the average revenue from new build evidence is approximately £230 per sq ft. The remodelling of the viability appraisals indicate that this area can support the PDCS tariff of £80 per sq m.</p>
PDCS58 – Mr Merlin Ash	Natural England	The submitted PDCS does not provide enough detail to cover the provision of green infrastructure such as access to natural greenspace, allotment provision, Infrastructure	The IDP is a live document, and will be updated considering additional evidence provided as part of the consultation

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		<p>identified in the local Rights of Way Improvement Plan, Infrastructure identified by any Local Nature Partnerships and or BAP projects, Infrastructure identified by any AONB management plans, Infrastructure identified by any Green infrastructure strategies, Other community aspirations or other green infrastructure projects (e.g. street tree planting), Infrastructure identified to deliver climate change mitigation and adaptation, any infrastructure requirements needed to ensure that the Local Plan is Habitats Regulation Assessment compliant (further discussion with Natural England will be required should this be the case.)</p>	<p>process.</p>
<p>PDCS15 – Ziyad Thomas (The Planning Bureau Ltd)</p>	<p>McCarthy and Stone Retirement Lifestyles Ltd</p>	<p>Elderly person’s accommodation provides significant non saleable floorspace, which impacts on viability when compared to other residential uses. In terms of non-saleable floor space typically flats have 16%, sheltered accommodation 30% and extra care living 35%.</p> <p>There is a much longer sales period for homes for the elderly given its niche market which in turn impacts on viability. As a result of this typical sales and marketing fees for specialist accommodation for the elderly are often closer to 6% of GDV.</p> <p>Elderly Homes have empty property costs associated with their operation prior to full sales, such a cost has to be covered by the developer, which impacts on viability.</p> <p>The cost of sheltered accommodation for Kirklees is significantly more than that of houses for flats, sheltered</p>	<p>Older person’s accommodation has been tested separately. See chapter 5.5 of the Local Plan and CIL Viability assessment and also Page 51 on the results. A care home was tested and indicated there was no CIL headroom. Therefore specialist forms of housing (i.e. C2 in the Use Classes Order) have been excluded from the Residential charge rates.</p>

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		<p>housing costs are £1,184 per m2 where houses or flats are £1142 or £942. Sheltered accommodation is generally 5% more expensive than apartments and between 15-20% more expensive than estate housing.</p>	
<p>PDCS32 – Nolan Tucker (White Young Green)</p>	<p>Church Commissioners for England</p>	<p>The residential development schemes tested in the Viability Report details that a typical coverage for a site is between 14,000-15,000 sq ft per acre (page 24). However it is expected that a strategic site such as MX1905 at Chidswell would achieve 15,500 sq ft.</p> <p>Table 5.4 details that sales values for value area 3 achieve £200 per sq ft. However research for value area 3 indicates that sales values achieve in the region of £170 per sq ft and not the £200 per sq ft as detailed in the Viability Study. The evidence of the Amberwood Chase scheme of £204 per sq ft reflects a development which was constructed to a high specification which may not be representative of the market as a whole. A scheme of 500+ developments such as the mixed use allocation at Chidswell (MX1905) is unlikely to achieve such sales values. Units on larger strategic sites will not be directly comparable to units at Amberwood Chase and we would therefore lower sales values would be expected.</p> <p>A new housing scheme at Old Bank Road in zone 3 for 8 4 bedroom dwellings are being marketed for £184,950, whilst the size of units are unknown from a capital value perspective these are much lower (£67,000) than those stated in the viability study. A 3 bedroom semi-detached</p>	<p>Old Bank Road app 2015/90391 - <a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f90391">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f90391</a> is 1562 sqft. Achieves £118 per sq ft.</p> <p><b>All comments noted.</b></p> <p><b>Sales Values</b> - The updated market evidence locates Chidswell within Value Area 3 which has an average new build revenue of £200 psf. However we consider the potential for an increase in value given site's scale, strategic location and the potential to create a market. In our revised assessment we have set the new build revenues at £200 psf for the scheme which is within the parameters of that achieved on comparable schemes locally in the Chidswell area.</p> <p><b>Amberwood Chase Scheme</b> - Amberwood chase now achieving an average sales revenue of £220 psf. Chidswell has potential to replicate these values but we</p>

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		<p>new building dwelling on the edge of value area 3 is on the market for £174,950 which whilst the size of the unit is unknown, from a capital value perspective it is £18,00 below those stated in the Viability Appraisal. It should also be noted that the achieved sales prices will generally be marginally below the asking price achieved.</p> <p>The sales value of £200 per sq ft the mixed use site MX1905 is considered too high and the resulting capital values in the appraisal reflect this.</p> <p>Table 5.6 identifies contingencies of 3% on construction costs is considered too low and should be at least 5% as large greenfield sites have many unknown costs and abnormals.</p> <p>Table 5.8 details 'policy Standards' and identifies s106 contributions at £1,000 per unit based on average residual site specific s106s, which states that from recent s106 agreements they indicate an average figure of £600 per unit, which has been increased to £1,000 to reflect the possibility for high cost requirements.</p> <p>It is considered that £1,000 per unit is far too low and it is considered that contributions of £5,000 or more per unit would be more appropriate. It is considered that £1,000 per unit is rarely achieved by developers. It is noted that appraisal of mixed use site MX1905 has been increased to £5,000 per unit. Table 5.8 needs further explanation to</p>	<p>would acknowledge that this would not be possible across the entire site and within the early years of the development.</p> <p><b>Contingencies</b> - 3% allowance for contingencies is within the industry standard. A separate allowance for abnormals has been made. Conservatism elsewhere in the appraisals allow for insulation against variations (e.g. abnormals, land value benchmarks).</p> <p><b>Policy Standards (s106 cost)</b> - This is an assumption at a point in time - revised appraisals include variation to the S106 costs.</p> <p><b>Land Valuation (60/40 Split)</b> - Land value benchmarks are based on net site areas, therefore the gross / net split is not relevant in the appraisal. If site benchmarks were based on gross areas, the benchmarks applied would be substantially less.</p>

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		<p>include s106 for strategic sites at £5,000 per unit as a minimum.</p> <p>It is considered that land value benchmarks for value area 3 of £250,000 as set out in table 5.9 are reasonable, however confirmation should be provided for the net to gross ration which is assumed to be 60:40.</p> <p>The profit level of 18.85% for site MX1905 set out in appendix 3 is considered to be too low and should be set at 20% as detailed in table 5.6 of the viability report.</p>	
<p><b>4. Based on the supporting evidence about the viability of development and infrastructure needs for Kirklees, please tell us whether you think we have struck the right balance between securing funds to help deliver the necessary infrastructure to support planned growth in Kirklees, and the economic viability of new development?</b></p>			
PDCS1 – P & M Smelt	Individual	The CIL is a good idea however there is concern that the money generated by CIL will not be collected.	Appropriate mechanism will be built into the process for collecting CIL once in place. Legislation also allows appropriate enforcement action for non-payment.
PDCS4 - Miss Morgan Stringer	Wakefield Council	It is considered that the rates are supported by appropriate available evidence and have been discounted from the maximum viable CIL. Evidence of an infrastructure funding gap has been demonstrated to support the need to put a CIL in place to support growth.	Comments noted.
PDCS25 – Mr W E Booth	Individual	It seems illogical that funding from CIL can be diverted away from where development occurs to areas where development is not occurring.	Funding generated by CIL will be collected centrally by the Council to decide which infrastructure priorities the money should be spent upon in line with the R123 list. A

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
			minimum of 15% or 25% (where a neighbourhood plan is in place) of CIL raised in an area can be spent on local infrastructure priorities.
PDCS62 – Mr Ian Smith	Historic England	It is unlikely that the CIL will impact on the work of Historic England.	Comments noted.
PDCS12 – Mr Richard Hamer	Individual	It is too early to determine whether the balance is right, the method of defining the zones is not the best way forward. A percentage of residual value is a better way forward.	Comments noted. The method of setting CIL with charging zones is considered to be appropriate for the district.
PDCS22 – Mr Ian Stuart	West Yorkshire Police	No comment	Comment noted.
PDCS37 – Mr Andrew Rose (Spawforth Associates)	Miller Homes	It is important that CIL is seen in the context of the planned supply of development (including housing) within the Kirklees area and that the Charging Authority should make it clear within the supporting evidence how it is shown that the proposed rates do not threaten delivery of the Plan as a whole.	Comments noted.
PDCS49 – Mr Clive Brook (Johnson Brook)	Development Consultant	Further justification is required for the proposed charging rates within Zones 1, 2 and 3. It is quite likely that CIL in combination with on-site Section 106 contributions will render a number of sites unviable	<p>The number of charging zones has been reviewed and reduced from 5 to 4 based on an updated evidence base including land registry sales values and new build development values.</p> <p>Section 106 payments have been factored in to the viability assessment along with other conservative assumptions to assume that the CIL rates do not render development unviable. The proposed CIL</p>

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			rates are set below the maximum headroom demonstrated in the viability assessment.
PDCS71 – Cllr Michael Watson	Councillor	<p>It is difficult to determine whether an appropriate balance has been achieved given the complexity of the issue. However there is nothing to detail that the levels are fundamentally wrong.</p> <p>The highest rates are located in the rural areas however the Infrastructure Delivery Plan (IDP) does not detail much investment in these areas. CIL contributions in rural area will therefore support developments in urban centres. Whilst 15% will be retained in the local area it would not see much more money remaining in the rural areas.</p>	Comments noted. Decisions about what the CIL is spent upon other than that retained by the local area can be made by the Council based upon the infrastructure types and priorities set out in the R123 list. These priorities may change over time.
PDCS53 - (Spawforth Associates)	Taylor Wimpey UK Ltd	It is important that CIL is seen in the context of the planned supply of development (including housing) within the Kirklees area and that the Charging Authority should make it clear within the supporting evidence how it is shown that the proposed rates do not threaten delivery of the Plan as a whole.	Comments noted.
PDCS30 – Mr Ian Stokes	City of York Council	Suggestions made in relation to wording of section 4 of the PDCS.	Comments noted.
<b>5. Please let us know about any projects or types of infrastructure that you think should be funded by CIL and therefore included on the draft Regulation 123 list?</b>			
PDCS5 - Miss Morgan Stringer	Wakefield Council	As currently drafted, the regulation 123 list is a generic list of infrastructure types. This may raise questions about double charging for the same piece of infrastructure through CIL and section 106 planning obligations / conditions. Making the	Comments noted. The Regulation 123 list has been updated alongside the Draft Charging Schedule. Schemes put forward have been considered for inclusion on the

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		regulation 123 list more project specific would help clarify this for developers.	Regulation 123 list.
PDCS8 – Mr David Collins	Individual	Affordable housing as separate forms of development, but including as part of bigger schemes. New forms of construction and building techniques.	Comments noted.
PDCS63 – Mr Ian Smith	Historic England	<p>The draft Infrastructure Delivery Plan identifies a number of projects which would be likely to benefit the historic environment of Kirklees. These include:-</p> <ul style="list-style-type: none"> <li>• Improvements to the Grade II Market Hall on Queensgate, Huddersfield</li> <li>• The creation of a visitor centre at Holmfirth to build upon the strong heritage of the area</li> <li>• Structural upgrades to the Tolson Museum (which includes a number of Grade II Listed Buildings)</li> <li>• Structural upgrades to Huddersfield Art Gallery</li> <li>• Refurbishment of Castle Hill and Victoria Tower</li> <li>• Delivery of the Masterplan for the grade I Listed Oakwell Hall</li> </ul> <p>The funding that is likely to be necessary to cover the gap between the costs of delivering these community projects and the resources currently available seems unlikely to be met from other sources (including S106 funding). Consequently, we would support the inclusion of these projects on the Regulation 123 List under the Strategic Community and Cultural Infrastructure Projects.</p>	Comments noted. The Regulation 123 list has been updated alongside the Draft Charging Schedule. Schemes put forward have been considered for inclusion on the Regulation 123 list.
PDCS17 - Mrs Christine Sykes	Individual	The money should be put towards new playgrounds, schools, medical centres and sports facilities in the area where the	Comments noted. The Regulation 123 list has been updated alongside the Draft

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		CIL was generated.	Charging Schedule. Schemes put forward have been considered for inclusion on the Regulation 123 list.
PDCS18 – Dave McGuire	Sport England	<p>In terms of sporting infrastructure and provision the findings of the Infrastructure Delivery Plan (IDP) are accepted. In terms of funding mechanism it is recommended that the following be used.</p> <ul style="list-style-type: none"> <li>• CIL - Strategic sports, leisure and recreation infrastructure Kirklees wide</li> <li>• S106/S278/Scheme Design/Conditions - On-site sports, leisure and recreation infrastructure relating to major development sites.</li> </ul> <p>It is important that the R123 list is sufficiently detailed to prevent double dipping, and ensure that there are sufficient mechanisms by way of lawful s106 agreements which would allow a development to be made acceptable in planning terms if necessary. The two need to complement one another.</p>	Comments noted. The Regulation 123 list has been updated alongside the Draft Charging Schedule. Schemes put forward have been considered for inclusion on the Regulation 123 list.
PDCS23 – Mr Ian Stuart	West Yorkshire Police	Policing costs, particularly where substantial new developments bring localised increases in population.	Comments noted. The Regulation 123 list has been updated alongside the Draft Charging Schedule. Schemes put forward have been considered for inclusion on the Regulation 123 list.
PDCS22 – Mr Alasdair Brown	Kirklees Active Leisure	Any funding generated by the development the land adjacent to the Deighton Sports Arena should be reinvested within the Deighton Sports Arena to maintain and improve the facilities provided.	Comments noted. The Regulation 123 list has been updated alongside the Draft Charging Schedule. Schemes put forward have been considered for inclusion on the Regulation 123 list.

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PDCS27- Mr Martyn Coy	Canal and Rivers Trust	<p>It is unclear if the R123 covers new infrastructure to mitigate the impacts of development on the waterway network. It is noted that strategic infrastructure is included on the R123 list; however it is unclear if the canal network and towing paths which form part of the key sustainable transport routes falls under this section. A more precise definition of strategic transport is therefore required.</p> <p>The following sections of tow path require investment to improve them and should be included in the IDP:</p> <ul style="list-style-type: none"> <li>• The Huddersfield Narrow from Huddersfield to Golcar and from Golcar to Standedge.</li> <li>• The Calder &amp; Hebble Navigation from Shepley Bridge to Spen Valley Greenway scheme.</li> </ul>	Comments noted. The Regulation 123 list has been updated alongside the Draft Charging Schedule. Schemes put forward have been considered for inclusion on the Regulation 123 list.
PDCS56- Mr Chris Storey	The Scouts - Huddersfield South West	Community buildings should be provided directly as part of new developments rather than funded by the CIL.	Comments noted. The Regulation 123 list has been updated alongside the Draft Charging Schedule.
PDCS38 – Mr Andrew Rose (Spawforth Associates)	Miller Homes	<p>The PDCS charging schedule should make clear that ‘double counting’ of Section 106 contributions and CIL is not permitted by law.</p> <p>In practical terms, owing to the need to publish a Regulation 123 List, it is likely that only site specific or immediately adjacent measures will continue to be funded by Section 106, such as on-site open space. As outlined, the costs of this on-site infrastructure could increase for larger scale development.</p> <p>There is the potential to double count education since it is unclear from the 123 List whether primary or secondary</p>	Comments noted. The Regulation 123 list has been updated alongside the Draft Charging Schedule.

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		<p>education is included as there is the potential for on-site provision via Section 106 and provision via CIL. Similarly, there are also examples with community and cultural facilities and sports and leisure. This position needs to be clarified with what is on-site on specific sites and what is strategic, as a number of allocations and sites could well contribute towards education schemes on another site. It would be preferable if all provision of education was via CIL to alleviate the ambiguity.</p>	
<p>PDCS72 – Cllr Michael Watson</p>	<p>Councillor</p>	<p>New infrastructure will need to be provided where there is demand.</p> <p>The levy should be collected prior to or when development commences on any development sites. Developers can fund these payments.</p>	<p>Comments noted. The CIL Regulations and the Council’s draft CIL payment phasing policy outline when the CIL can be collected.</p>
<p>PDCS54 - (Spawforth Associates)</p>	<p>Taylor Wimpey UK Ltd</p>	<p>The PDCS charging schedule should make clear that ‘double counting’ of Section 106 contributions and CIL is not permitted by law.</p> <p>In practical terms, owing to the need to publish a Regulation 123 List, it is likely that only site specific or immediately adjacent measures will continue to be funded by Section 106, such as on-site open space. As outlined, the costs of this on-site infrastructure could increase for larger scale development.</p> <p>There is the potential to double count education since it is unclear from the 123 List whether primary or secondary education is included as there is the potential for on-site</p>	<p>Comments noted. The Regulation 123 list has been updated alongside the Draft Charging Schedule.</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>provision via Section 106 and provision via CIL. Similarly, there are also examples with community and cultural facilities and sports and leisure. This position needs to be clarified with what is on-site on specific sites and what is strategic, as a number of allocations and sites could well contribute towards education schemes on another site. It would be preferable if all provision of education was via CIL to alleviate the ambiguity.</p>	
PDCS61 – Lauren Garside	Yorkshire Wildlife Trust	<p>Yorkshire Wildlife Trust is of the opinion that CIL contributions should be used to fund green infrastructure and nature conservation projects in the area. CIL funds could be used as match funding which could trigger access to other types of funding, and it is important CIL money is made available for green infrastructure.</p>	<p>Comments noted. The Regulation 123 list has been updated alongside the Draft Charging Schedule. Schemes put forward have been considered for inclusion on the Regulation 123 list.</p>
PDCS67 – Mr Merlin Ash	Natural England	<p>CIL can play an important role in the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. However insufficient detail is provided on how the CIL could contribute to meeting this requirement.</p>	<p>Comments noted. The Regulation 123 list has been updated alongside the Draft Charging Schedule. Schemes put forward have been considered for inclusion on the Regulation 123 list.</p>
PDCS68 – Abdul Gaffar	Environment Agency	<p>The Environment Agency would like to work with the Council to identify specific projects to be included in the R123 list.</p> <p>There are a number of flood management schemes on the Medium Term Plan that the CIL could contribute towards which also contribute to Green Infrastructure. CIL could be used to provide match funding for new flood management schemes and allow other forms of funding to be accessed.</p>	<p>Comments noted. The Regulation 123 list has been updated alongside the Draft Charging Schedule. Schemes put forward have been considered for inclusion on the Regulation 123 list.</p>
PDCS16 – Mrs Christine Sykes	Individual	<p>Payments should be used for the area in which they were raised and not siphoned off to another area.</p>	<p>Funding generated by CIL will be collected centrally by the council to decide which</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
			infrastructure priorities the money should be spent upon in line with the R123 list. A minimum of 15% or 25% (where a neighbourhood plan is in place) of CIL raised in an area can be spent on local infrastructure priorities.
PDCS32 – Nolan Tucker (White Young Green)	Church Commissioners for England	There is concern that infrastructure projects set out on regulation 123 would lead to the developer for MX1905 paying twice for the same type of infrastructure. It is unreasonable to expect a developer to pay for a new school on a strategic site and also pay contribution towards school infrastructure across Kirklees through CIL.	Comments noted. The Regulation 123 list has been updated alongside the draft charging schedule.
<b>6. Do you think that the charging schedule should be accompanied by a specific approach or policy for discretionary relief / exceptional circumstances relief / payments in kind / payment phasing?</b>			
PDCS9 – Mr David G Collins	Individual	Payment in kind is not supported as this is a loophole as to what the benefit in kind is worth. Payment phasing is reasonable but needs watching as to when and how much can be delayed.	Comments noted and can be considered in drafting a phased payment policy. The Council is not proposing to adopt a payment in kind policy at this time.
PDCS64 – Mr Ian Smith	Historic England	Support that discretionary relief may be offered in exceptional circumstances. It is considered that CIL relief should be offered where the requirement to pay CIL would have a harmful impact upon the economic viability of developments which involve heritage assets particularly those which are at risk.	Comments noted and can be considered in drafting a relief and exceptional circumstances policy.
PDCS13 – Mr Richard Hamer	Individual	It is unclear when and who will pay the CIL and how this will impact on the land values and whether land will be delivered	The CIL Preliminary Draft Charging Schedule Background Report 'Who will pay

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		for development.	CIL and how will it be collected?' provides information about this. Further information will be made available alongside the Draft Charging Schedule.
PDCS14 – Mr Bill Davidson	P4 Planning Limited	The proposed charging rates introduce £100 per square metre for retail warehousing district wide and lower figures for residential development depending on a number of zones. Additional flexibility should be introduced to ensure the effect of introducing CIL does not frustrate important regeneration objectives.	Comments noted. Points raised will be considered when considering whether to draft a payment/relief policy.
PDCS24 – Mr Ian Stuart	West Yorkshire Policy	Yes where appropriate.	Comments noted and can be considered in drafting a phased payment and discretionary relief and exceptional circumstances policy.
PDCS39 - Mr Andrew Rose (Spawforth Associates)	Miller Homes	<p>Miller Homes are concerned that an instalments, payments in kind, discretionary relief and exceptional circumstances policy has not been provided in the Preliminary Draft Charging Schedule.</p> <p>Miller Homes considers it important that any Instalments policy is flexible enough to withstand exceptional and unpredictable circumstances during the development. The dates for payments should reflect the date the developer's ability to raise the revenue required, similar to how Section 106 payments are staged. A longer, more realistic timeframe in which developers would have to pay the chargeable amount would be more in line with other instalment policies adopted by other Charging Authorities.</p>	Comments noted and can be considered in drafting a phased payment and discretionary relief and exceptional circumstances policy. The Council is not proposing to adopt a payment in kind policy at this time.

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>Whilst Miller Homes supports the principle of an Instalments policy, we believe there should be a mechanism which allows negotiation on an individual basis for sites where, in certain circumstances CIL payments may threaten the viability and deliverability of the scheme proposed.</p> <p>A payments in kind policy can help facilitate development, the policy should allow the provision of infrastructure as well as land.</p> <p>Discretionary relief should be made available as it could have the viability of a scheme.</p>	
PDCS 55 - (Spawforth Associates)	Taylor Wimpey UK Ltd	<p>Taylor Wimpey are concerned that an instalments, payments in kind, discretionary relief and exceptional circumstances policy has not been provided in the Preliminary Draft Charging Schedule.</p> <p>Taylor Wimpey considers it important that any Instalments policy is flexible enough to withstand exceptional and unpredictable circumstances during the development. The dates for payments should reflect the date the developer's ability to raise the revenue required, similar to how Section 106 payments are staged. A longer, more realistic timeframe in which developers would have to pay the chargeable amount would be more in line with other instalment policies adopted by other Charging Authorities.</p> <p>Whilst Taylor Wimpey supports the principle of an</p>	Comments noted and can be considered in drafting a phased payment and discretionary relief and exceptional circumstances policy. The Council is not proposing to adopt a payment in kind policy at this time.

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>Instalments policy, we believe there should be a mechanism which allows negotiation on an individual basis for sites where, in certain circumstances CIL payments may threaten the viability and deliverability of the scheme proposed.</p> <p>A payment in kind policy can help facility development, the policy should allow the provision of infrastructure as well as land.</p> <p>Discretionary relief should be made available as it could have the viability of a scheme.</p>	
PDCS7 – Mr David Collins	Individual	Certain types of developments should be exempt from the charge such as affordable housing.	The CIL Regulations set out which types of development are exempt, which includes affordable housing. The Council can adopt a discretionary relief and exceptional circumstances policy which is covered as part of the draft charging schedule consultation.
PDCS32 – Nolan Tucker (White Young Green)	Church Commissioners for England	<p>It is considered that strategic sites included within the draft Local Plan such as MX1905 have a zero rate CIL charge to allow for higher infrastructure costs, higher onsite infrastructure provision and to recognise the significant role that strategic sites have in helping Kirklees achieves its strategic housing and employment over the plan period.</p> <p>The imposition of CIL on strategic sites will affect their viability and the potential consequential impact on housing and economic developer across Kirklees. Research by Savills (November 2014) found that over 30 local authorities had</p>	Whilst it is acknowledged that large scale sites can experience above average infrastructure costs, in the absence of adequate evidence of site development and infrastructure costs it is not possible to justify a zero tariff which would represent a concession potentially putting the charging schedule at risk from a state aid perspective. On the basis of the general assumptions made in the model there is considered to be adequate allowances (for

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		published zero rate for strategic sites or key growth areas.	example in respect of the land owners' return and abnormal costs and general viability buffer) for deliverability to be insulated against variations in costs.
PDCS65 – Mike O'Brien (White Young Green WYG)	Priory Assets Management LLP	<p>The elderly should be included in the list of exemptions set out in section 8 of the CIL</p> <p>Homes for the elderly require significant investment and additional costs such as longer sales period, provision of additional facilities. Elderly accommodation has been highlighted as a need in the SHMA.</p> <p>Applying CIL to homes for the elderly would impact on viability and reduce quality on schemes.</p> <p>A discretionary relief and exceptional circumstances relief policy is supported, and elderly homes should be included within that list given the issues of viability.</p> <p>A £5 per square metre rate is a more realistic amount for elderly homes. The housing market in the district does not vary enough to warrant a rate which is set at £80 per square metre.</p> <p>CIL payments should be phased.</p>	<p>The CIL Regulations set out which types of development are exempt, which includes affordable housing. The Council can adopt a discretionary relief and exceptional circumstances policy which is covered as part of the draft charging schedule consultation.</p> <p>Comments noted and can be considered in drafting of a phased payment and discretionary relief and exceptional circumstances policy.</p>