



Kirklees Council

Community Infrastructure Levy (CIL)

Statement of Consultation and Summary of Representations

Regulation 15, 16, 17 and 19 of the Community Infrastructure Levy Regulations 2010 (as amended)

April 2017

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1.0 Introduction

- 1.1 This Statement of Consultation sets out how Kirklees Council has carried out the necessary consultation to inform the preparation of the Community Infrastructure Levy (CIL) Draft Charging Schedule. The statement addresses the requirements of Regulations 15, 16, 17 and 19 of the Community Infrastructure Levy Regulations 2010 (as amended). The council is satisfied that the requirements of these Regulations have been met with regard to consultation on the Preliminary Draft Charging Schedule and Draft Charging Schedule.
- 1.2 The Preliminary Draft Charging Schedule was consulted upon at the same time as the Kirklees Draft Local Plan from 9th November 2015 to 1st February 2016. The Draft Charging Schedule was consulted upon at the same time as the Kirklees Publication Draft Local Plan from 7th November to 19th December 2016.
- 1.3 The Council has an approved Statement of Community Involvement (SCI) and this has been followed throughout both periods of consultation.

2.0 Consultation on the Preliminary Draft Charging Schedule

- 2.1 Consultation on the Kirklees CIL Preliminary Draft Charging Schedule was held from 9th November 2015 to 1st February 2016. During this period 29 individuals or organisations commented, raising 82 separate issues.
- 2.2 The comments received, and the council's responses, can be found in the Kirklees Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule Consultation Report (Kirklees Council, November 2016). The comments received during the Preliminary Draft Charging Schedule consultation were considered in the review of viability evidence and the production of the Draft Charging Schedule.
- 2.3 Details of how the Preliminary Draft Charging Schedule consultation was conducted can be found in Appendix A.

3.0 Publication of the Draft Charging Schedule

3.1 Consultation on the Kirklees CIL Draft Charging Schedule was held alongside the Kirklees Publication Draft Local Plan from Monday 7th November 2016 to Monday 19th December 2016. During this period, 23 individuals or organisations commented, 11 of whom requested to be heard at Examination.

3.2 In compliance with Regulation 16 of the Community Infrastructure Regulations 2010 (as amended), the following actions were undertaken:

- A copy of the Draft Charging Schedule, supporting information and the Statement of the Representation Procedure (Appendix C) were made available to view at the council's principal planning office, and at Huddersfield and Dewsbury Customer Service Centres.
- The Draft Charging Schedule, supporting information and the Statement of the Representation Procedure were published on the council's website, alongside details of the consultation, and details of where physical copies of the information could be found.
- Consultation bodies (Appendix B) were contacted directly by letter or email with details about the consultation, the Draft Charging Schedule, the supporting information and the Statement of Representation Procedure. All individuals on the Local Plan mailing list (11,754 contacts) were also contacted as part of a joint Local Plan and CIL consultation mail out, including all those who had previously commented on the CIL at the Preliminary Draft Charging Schedule Consultation.
- A local press advertisement was placed in the Dewsbury and Mirfield Reporter, Batley and Birstall News and Spenborough Guardian on 3rd November 2016, and the Huddersfield Examiner on the 4th November 2016, setting out the details of the consultation and statement of representations (Appendix D).
- A CIL page was included in the Kirklees Publication Local Plan summary leaflet, outlining the CIL consultation. This leaflet was available on the council's website and at 26 deposit locations across the district.
- Two drop-in sessions were held in Dewsbury (22nd November 2016) and Huddersfield (29th November 2016), where officers were on hand to explain the CIL process and how to make comments.

4.0 Representation Statement & Summary of the Main Issues Raised by the Representations

Number of Representations Made

4.1 A total of 23 representations were considered to be duly made, in accordance with CIL Regulation 17. These are summarised in Table 1, below. Table 2, following, provides a full list of representors.

Table 1: Summary Table of Comments Duly Made, Categorised into Consultation Groups		
Comments received from:	Number of comments received:	Details:
Residents / Individuals	2	
Developers / Consultants	9	The Planning Bureau Ltd; NJL Consulting WYG x 3; Johnson Mowat; Tangent Properties; Spawforth Associates; Quod.
Statutory Consultees / Other Organisations	6	Historic England; Environment Agency; Canal & River Trust; West Yorkshire Fire Service; Yorkshire Wildlife Trust; Network Rail.
Local Planning Authorities / Councils	1	Wakefield MDC.
Town / Parish Councils	1	Kirkburton Parish Council.
Councillors	4	

Table 2: List of Those who Submitted a Representation

Comment Reference	Name	Organisation
CIL_DCS1	Coy	Canal & River Trust
CIL_DCS2	Barnes	West Yorkshire Fire Service
CIL_DCS3	Vann	Resident
CIL_DCS4	Stringer	Wakefield MDC
CIL_DCS5	Thomas	The Planning Bureau Ltd (McCarthy & Stone Retirement Lifestyles Ltd)
CIL_DCS6	Pleasant	NJL Consulting (Catholic Diocese of Leeds)
CIL_DCS7	Patrick	Councillor
CIL_DCS8	Sims	Councillor
CIL_DCS9	Firth	Councillor
CIL_DCS10	Butterfield	WYG (Pennine Property Partnership)
CIL_DCS11	Johnson	Johnson Mowat
CIL_DCS12	Garside	Yorkshire Wildlife Trust
CIL_DCS13	Tucker	WYG (Church Commissioners for

		England)
CIL_DCS14	Chambers	Tangent Properties (Nether End Farm, Denby Dale Ltd)
CIL_DCS15	Taylor	Councillor
CIL_DCS16	Hobson	WYG (Strata Homes)
CIL_DCS17	Smith	Historic England
CIL_DCS18	Rose	Spawforth Associates (Miller Homes)
CIL_DCS19	Lambert	Environment Agency
CIL_DCS20	Aizlewood	Resident
CIL_DCS21	Benyon	Quod (IKEA Properties Investments Limited)
CIL_DCS22	Royle	Kirkburton Parish Council
CIL_DCS23	Rivero	Network Rail

Summary of Main Issues Consulted On

4.2 Those informed of the Draft Charging Schedule consultation were asked to comment on the Schedule and its supporting evidence, which included the following reports:

- Kirklees Local Plan and CIL Viability Study (Cushman & Wakefield, October 2015);
- Kirklees Local Plan and CIL Viability Addendum (Cushman & Wakefield, September 2016);

- Kirklees Local Plan Infrastructure Delivery Plan (Arup, October 2015);
- Kirklees Local Plan Infrastructure Delivery Plan Addendum (Kirklees Council, November 2016);
- Draft Regulation 123 List (Kirklees Council, November 2016) (Draft Charging Schedule Appendix B);
- Draft CIL Instalments Policy (Kirklees Council, November 2016) (Draft Charging Schedule Appendix C);
- Kirklees Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule Consultation Report (Kirklees Council, November 2016);
- Kirklees Community Infrastructure Levy Draft Charging Schedule Background Report (Kirklees Council, November 2016).

4.3 The Draft Charging Schedule consultation comments form included questions covering the following questions / issues:

Q1: Do you consider that the proposed levy rates in the Draft Charging Schedule have been informed by appropriate available evidence?

Q2: Do you consider that the proposed levy rates would strike an appropriate balance between securing additional investment to support the development identified in the local plan, and the potential effects on the viability of development in Kirklees district?

Q3: Do you consider that the differential rates proposed across the four residential charging zones would help ensure that the viability of development in the district is not put at risk?

Q4: Do you have any comments to make on the Draft Regulation 123 (R123) list, and the approach to the continued use of Section 106 obligations?

Q5: Do you consider that the Draft Instalments Policy will assist the viability and delivery of development in the district?

Q6: Should the Council offer a Draft Exceptional Circumstances Relief Policy, to assist the viability and deliverability of development in the district?

Q7: Do you think the Council should adopt a Payment 'in kind' Policy for accepting land and/or infrastructure, instead of money, to satisfy a charge

arising from the levy, in order to assist the viability and delivery of development in the district?

Q8: Please provide any other comments below that you wish to make on the Draft Charging Schedule.

- 4.4 The issues raised during the Draft Charging Schedule consultation, and the council's responses, can be found in Appendix E

Summary of Main Issues Raised by Representors

- 4.5 Table 3, below, summarises the main issues raised in response to the consultation questions.

Table 3: Summary of Main Issues Raised by Representors

Infrastructure

- The higher charges in the south of the district should be used to pay for infrastructure in that area. The infrastructure planning for schools and transport is inaccurate and does not focus enough on priorities in south Kirklees.
- The transport infrastructure evidence for the Local Plan and CIL in relation to Dewsbury Riverside is inaccurate.
- There is a lack of clarity about the infrastructure funding gap.
- There should be a clear investment plan as to where CIL funding will be spent.
- Higher CIL rates in the south of the district will be used to pay for infrastructure in the north, rather than addressing local infrastructure issues.

Viability

- The viability study should consider the site-specific viability of the former St Luke's Hospital site, Crosland Moor.
- The abnormal costs for the Chidswell site should be reconsidered.
- The rates in Charging Zone 1 are out of proportion with CIL rates in bordering authorities and the wider region, will put development at risk, lead

to house price inflation, and should be lower.

- Challenge to a number of viability assumptions in relation to Dewsbury Riverside.
- Concern about the impact of CIL rates in Charging Zone 1 for developments of 1 to 10 dwellings, and the impact on smaller and local builders.

CIL Rates

- The CIL rate for site H442 in Roberttown should be set to zero.
- The value areas and consequential charging rate boundaries for Dewsbury Riverside should be revised.
- Clarification should be provided in the Draft Charging Schedule about how car parking will be treated as part of the charges for (A1) Retail Warehousing.

Regulation 123 (R123) List

- The R123 list should include specific reference to canal, fire and rescue, rail and green infrastructure priorities.
- The R123 list should be more specific to avoid challenge, and the risk of double charging through CIL and S106 planning obligations.
- The R123 list should list specific projects for CIL spending.

Draft Instalments Policy

- Suggestion to extended instalment period for CIL charges in excess of £300,000.
- The timescales do not fully recognise the delivery of larger development sites.

Discretionary and Exceptional Circumstances Relief

- Objection to the fact that details of a discretionary and exceptional circumstances relief policy has not been published alongside the Draft Charging Schedule.

Payment in Kind

- Objection that a payments in kind policy has not been published alongside the Draft Charging Schedule.

CIL Review

- Recommendation that CIL is reviewed every 6 months.

5.0 Changes to the Draft Charging Schedule as a Result of the Consultation

Comments received at the Draft Charging Schedule consultation stage were considered against national legislation, CIL Regulations (as amended) and National Planning Practice Guidance. Following review of the comments received, the council is proposing no modification to the CIL Draft Charging Schedule. The council considers that the proposed rates in the Draft Charging Schedule strike an appropriate balance between the desirability of funding infrastructure required to support the development of the district and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across the district.

Appendix A

Kirklees Preliminary Draft Charging Schedule Consultation Process

When the consultation was held:

Consultation on the Preliminary Draft Charging Schedule took place alongside consultation on the Draft Local Plan, between 9th November 2015 and 1st February 2016.

How we notified and invited people to make comments:

The following methods were used to publicise the consultation:

- all contacts on the local plan database were notified by letter or e-mail (6,200);
- consultation documents were available to view at deposit locations and on the council's website in accordance with the statement of community involvement with details on how to comment;
- 10,000 copies of a summary leaflet were made available at deposit locations, all town halls and at all Kirklees Library and Information Centres;
- information was made available at area committees;
- press release;
- on-line campaign which included information on the council's homepage for a two week period;
- on-line planning consultation system;
- social media campaign, including Facebook and Twitter;
- member packs to enable them to run their own community meetings;
- internal Intranet campaign to make all staff aware;
- two public drop-in sessions – 24th November 2015 Dewsbury Town Hall and 30th November Huddersfield Town Hall. Officers were available to answer questions and to help members of the public to comment using mobile IT stations;
- an article in Kirklees Together (a council publication which covers the district);
- a joint briefing of all chairs of district committees took place on 13th October 2015 to cover:
 - the scope of consultation;
 - where to find information;
 - how to register views;
 - next steps.

Specific, general and other consultees contacted during the Preliminary Draft Charging Schedule consultation are outlined in Appendix B:

Appendix B

List of Specific and General Bodies and Persons Invited by the Council to Make Representations

Specific Consultees

Bordering planning authorities	
Barnsley MC Planning and Transportation Service	City of Wakefield Metropolitan District Council
Bradford MC Department of Transportation, Design	Calderdale MBC
Leeds City Council (Planning and Development services)	High Peak Borough Council
Peak District National Park Authority	Oldham MBC Strategic Planning and information
Kirklees and bordering parish and town councils	
Cawthorne Parish Council	High Hoyland Parish Council
Denby Dale Parish Council	Kirkburton Parish Council
Dunford Parish Council	Meltham Town Council
Holme Valley Parish Council	Mirfield Town Council
Ripponden Parish Council	Sitlington Parish Council
Saddleworth Parish Council	West Bretton Parish Council
Tintwistle Parish Council	
Gunthwaite and Ingbirchworth Parish Council	
Regional Bodies	
Leeds City Region LEP	West Yorkshire Combined Authority
Other specific consultees	
British Telecom	Natural England
Calderdale and Huddersfield NHS Foundation Trust	Network Rail
Environment Agency	NHS Property Services
Highways England	North Kirklees Clinical Commissioning Group
Historic England	Northern Gas Networks
Homes and Communities Agency	South West Yorkshire Foundation Trust
Locala Community Partnership	The Coal Authority
Mid Yorkshire Hospitals NHS Trust	West Yorkshire Police Authority
Mirfield Town Council	West Yorkshire Police Estates
Mobile Operators Association	West Yorkshire Police Traffic Support
National Grid	Yorkshire Water

General Consultees

4 Resourcing	KPH Plant Hire Ltd
Abel Woodhead and Sons Ltd	Lady Heaton Drive Action Group
Adlington	Lafarge Tarmac
Mineral Products Association	Landmark Information Group
Albion Mount Medical Practice	L'arche Developments (Yorkshire) Ltd
Alciun Homes	LCF Law
Allsops	Leeds Bradford International Airport
Almondbury (Castle Hill) Civic Associates	Leeds City Council
Almondbury Wesleyan Cricket Club	Leeds GATE
AMEC	LEVER Technology Group PLC
Arca	Lexi Holdings Plc
Huddersfield and District Archaeological Society	Lidl UK GmbH
Arcus Consulting	Lightcliffe Academy
Arriva Yorkshire Ltd	lightcliffe gc
Asda Stores Ltd	Limes Developments Limited
Associated Waste Management Limited	Lindley Methodist Church
BAM Construction Ltd - North East	Lindley Moor Action Group
Barnsley MC Planning and Transportation Service	Lingards Community & NHW Association
Barratt and David Wilson Homes	Linthwaite Hall Sports and Social Club
Barratt Homes	Little Gomersal Community Association
Batley & Dewsbury Green Party	Liversedge AFC
Batley and Birstall Civic Society	Local Enterprise Partnership Leeds City Region
Batley Central Methodist Church	Local Plans Home Builders Federation
Batley Community Alliance	Local Representative National Landlords Association
Batley Grammar School	Longwood Village Group
Bellway Homes (Yorkshire) Ltd	Lovell Johns
Ben Rhodes Trust	Lovell Partnerships
Benjamin, Bentley and Partners	Lower Denby Estates
BGM Plastics Limited	M D Belpont Ltd
Bilfinger GVA	Manr Building Services
Birds Edge Countryside (BECside) Charitable Trust	Marcol Group
Birdsedge and District Opposition to Large Turbines (BOLT)	Mark Oliver Homes
Birkenshaw Village Association	Marsden and Slaithwaite Transition Town (Mastt)
Birstall Village Improvement Group	Marsh Community Forum
Black Cat Fireworks Ltd	Martin House Trust
	Martin Walsh Associates

Bodyzone Fitness Centre	McCarthy & Stone Retirement Lifestyles LTD
Bowesfield Construction Ltd	Meltham and District Civic Society
Bradford MC Department of Transportation, Design and Planning	Meltham Community Action Network
Bradley Park Golf Club	Meltham Moor Primary School
BREEAM Technical Consultant: Government	Meltham Town Council
BRE Global	Metallizers Limited
Brighthouse Civic Trust	Mid Yorkshire Chamber of Commerce
Brighthouse Estate Co. Ltd	Mid Yorkshire Hospitals NHS Trust
British Geological Survey	Milen Care
British Sign and Graphics Association (BSGA)	Mill Properties Ltd
British Telecom	Miller Homes
British Wind Energy Association	Miller Strategic Land
Brockholes Action Group	Millstream Ltd
Brockholes Village Trust	Minerals and Waste Policy Hertfordshire County Council
Brook Group Holdings Ltd	Mirfield Conservative Party Association
Burton Environment Group (BEG)	Mirfield Labour party
Calderdale and Kirklees South West Yorkshire Foundation Trust	Mirfield Town Council
BWEA Renewable UK	MJC Design
Cadvis 3D	Mobile Operators Association
Calderdale and Huddersfield NHS Foundation Trust	Moorhouse Trust
Calderdale Saddle Club	Morley Borough Independents
Campaign for Real Ale	Morley Town Council Planning Committee
Campaign to Protect Rural England (CPRE)	Morley Town Council
Canal and River Trust	Morses Club Ltd
Catholic Diocese of Leeds	MP for Batley and Spen
Cawthorne Parish Council	MP for Colne Valley
CCL Building Civil Structural Design Group	MP for Huddersfield
CEMEX UK Properties	MP for Morley and Outwood
CFK Developments	MSL
Chartnell Ltd	National Amusements Limited
Chemical Business Association	National Children's Centre
City of York Council	National Federation of Gypsy Liaison Groups
Clayton Fields Action Group	National Grid
Clayton West Cricket Club	Natural England
Clayton West Development Company Limited	Natural England
Cleckheaton Action Group	Nature After Minerals Planning Adviser RSPB
Cleckheaton Bowling Club Ltd	Needhams Solicitors
	Nether End Farm (Denby Dale) Ltd
	Network Rail
	New River Capital Ltd

Colne Valley Carbon Reduction Action Group	Newsmith Farms Ltd
Colne Valley Green Party	Newsome Tenants and Residents Association
Colne Valley Museum	Newsome Ward Community Forum
Commercial Developments Projects Limited	NHS Commissioners
Committee of Longwood Village Group	NHS Property Services
Community Steering Group for Sustainable Local Development	Nick Ryden Motor Engineers
Confederation of British Industry (CBI)	NJLee Ltd
Connect Housing	Norman Littlewood and Sons (Properties) Ltd
Consort Homes (Northern) Ltd	Norristhorpe URC
Consulting With a Purpose	North Country Homes Group Limited
Contact Campaign for Better Transport - West Yorkshire (previously Transfort 2000)	North East, Yorkshire and the Humber The National Deaf Children's Society
Co-Operative Group	North Kirklees Clinical Commissioning Group
Cornwell Partnership	North Kirklees Green Party
CPW (Yorkshire) Ltd	Northern Design Partnership
Crossroads Truck & Bus Ltd	Northern Gas Networks
Crown Estate Office	Northern Trust
Custom Telecom Ltd	npower renewables
Cyclists Touring Club (CTC)	NTL Group Ltd
D Mate and Sons	Occupational Therapist Princess Royal Community Health Centre
D Noble Ltd	Office Manager Inspect Asbestos Solutions
Dalton Black Horse Resident Association	Older Peoples Partnership Board
Darren Smith Builders Ltd	Oldham Council
Dartmouth Estate	Optica Group
Dave Whelan Sports Ltd	Organisation Details
David Brown Tractor Club	Orion Homes Limited
David Wilson Homes	Outlane Golf Club Ltd
Dawson Fabrics	Owens Corning Veil UK Ltd
Defence Estates	P4 Planning Limited
Deighton and Brakenhall Initiative Limited	Paddock Community Forum
Denby Dale and Cumberworth W I	Pakistan and Kashmir Welfare Association
Denby Dale Labour Party	Pakistan Association Huddersfield
Denby Dale Parish Council	Parkwood Ventures LLP
Denby Dale Parish Environment Trust	Peak District National Park Authority
Denby Village Conservation Group	Pegasus Group
Department for Constitutional Affairs	Penmoor UK ltd
Department for Environment, Food and Rural Affairs	Pennine Domestic Violence Group
Design Council: CABE	Persimmon Homes West Yorkshire
Design Management Limited	Planning Prospects Ltd
	Plantation Developments Limited

Development Director Termrim Construction Ltd	Planware Ltd
Dewsbury District Golf Club	Plot of Gold Ltd.
Dialogue	Plotolders Land Management Group Ltd
Diocese of Wakefield	Portman Land Ltd
Disabled Golf Association	Premier Autos
Dortech Architectural Systems Ltd	Preserve Honley and Brockholes
Dransfield Properties Ltd	Priory Assets Management LLP
Dunford Parish Council	Public Health (Wellbeing and Communities)
Dynamic Capital UK Ltd	Radcliffe Developments (Farnley) Ltd
Dyson Industries Limited	Raikes Lane Birstall
E Bottomley and Sons Ltd	Raja Properties Ltd
EE	Ramblers Organisation
Elliott Estates Ltd	Ravensthorpe Action Group
Emley Millennium Green	Ravensthorpe Community Centre Ltd
Empire Knight Group Ltd	Raw Materials Manger (Clayware) Wavin UK (Holdings) Limited
Enterprise Inns Plc	Redrow Homes and Portman Land Ltd
Environment Agency	Redrow Homes Yorkshire
Environment Kirklees	Regions and Country CEMVO
Environmental Services Association	Reliance Precision Limited
Equality and Human Rights Commission	Replan (UK) Ltd
Eric Roberts and Sons	Ripponden Parish Council
Eshton Property Development	River 2015 Charity
Eurofur Fabrics Ltd	Road Haulage Association
Evergreener Investments llp	Robert Halstead Chartered Surveyors
F and W Drawing Services	Roberttown Residents Committee
Fairclough Homes	Roberttown Women's Institute
Farnley Country Park Foundation	Robuild Ltd
Farnley Estates Ltd	Royal National Institute of Blind People
Farnley Tyas Community Group	S Swift pp CDP Ltd
Ferndale Residents Association	Saddleworth Parish Council
Fields in Trust	Saddleworth Travel
Fixby Residents Association	Sadeh Lok Housing Association
Fixby Residents Organisation (FRO)	Safer Stronger Communities
Flockton Green W.M.C & Institute	Safia Association
Forestry Commission England	Sainsbury's Supermarkets Ltd
Fox Lloyd Jones Limited	Salendine Nook School Council
Friends of Beaumont Park	Samuel Wordsworth Trust
Friends of Hepworth School	Save Mirfield
Friends of Storthes Hall Woods	Savile Estate
Friends of the Earth (Huddersfield)	Saxonmoor Ltd

G and A Ellis	Schofield, Schofield and Pask
G.M.B. Council Offices	Scholes Future Group
Garganey Trust	Scholes Residents Association
General Confederation of UK Coal Producers (CoalPro)	Selby District Council
Geo. H Haigh and Co Ltd	Seneca Overseas Ltd
Geoplan Limited (Marshalls Natural Stone)	Shadwell Developments Ltd
George Wimpey Strategic Land	Shawcosult (1995) Ltd
Gibson Taylor Tranzol	Shelley Community Association
Glint	Shelley High School
GMI Estates Ltd and Stead Commercial	Shepley and District Naturalists Society
Golf Foundation	Shepley Mothers Union
Golf Monthly Magazine	Shepley Village Association
Governors Meltham Moor Primary School	Sitlington Parish Council
Grant Thornton	Skelmanthorpe Community Action Group
Grantley Developments Ltd	SKI3V - Tour Operator
Great Lime Holdings Ltd	Society for the Blind
Greater Huddersfield Clinical Commissioning Group	Soothill & District Community Forum & Batley Community Alliance
Greater Manchester Ecology Unit	Southdale Homes Group
Green Alert in Lepton	Spenn Valley Civic Society
Greetings Limited	Spenn Valley Civic Trust
Grimescar residents	Spenn Valley Model Engineers
Grove Hall Properties	Spenn Valley Properties
Growing Newsome	Spennborough Locality North Kirklees Primary Care Trust
Gunthwaite and Ingbirchworth Parish Council	Sport England
GWSN Limited	Sporta
H.G. Kippax and Sons Ltd	Sputnik Limited
H31 Resident Group	Stainton Planning
Hallam Land Management Limited	Standard Holdings
Harlow and Milner	Stephensons Estate Agents
Harrison Gardener and Co. Ltd	Stewart Ross Associates
Harron Homes (Yorkshire) Ltd	Stirling LLP and Scotfield RBS
Hartley Property Trust	Stirling Scotfield LLP
Hartley Quality Homes	Stockmoor Action for Openspace Retention
Harworth Estates	Stockmoor Village Association
HD8 Network	Strandwick Properties Limited
Heckmondwike Bowling Club	Strata Homes
Heckmondwike Labour Party	Strategy to Succeed Ltd
Heckmondwike United Reformed Church	Stratus Environmental
	Sustrans

Help Save Holmbridge	Syngenta
Henderson Retail Warehouse Fund	Taleem Centre
Henry Boot	Tangent Properties
Hepworth Community Association	Tarmac
Her Majesty's Court Service	Taylor Wimpey UK Ltd
High Hoyland Parish Council	Team Vicar Dewsbury Team Parish
High Peak Borough Council	Tesco Stores Ltd
High Point Estates	The Benefice of High Hoyland, Scissett and Clayton West
Highways Agency	The Church Commissioners for England
Highways England	The Coal Authority
Historic England	The Directorate of Airspace Policy
HJ Banks and Co.Ltd	The Garden Trust
Holdsworth Group	The Gypsy Council
Holme Valley Business Association	The Knavesmere Trust
Holme Valley Land Charity	The Lawn Tennis Association
Holme Valley North Labour Party	The Mid Yorkshire Chamber of Commerce and Industry Ltd
Holme Valley Parish Council	The Myers Group
Holme Valley Vision Network	The National Trust
Holmfirth Community Forum	The Netherton & South Crosland Action Group
Holmfirth Enterprise and Development (H.E.A.D)	The Ogden Group
Holmfirth Transition Town (HoTT)	The Penine Property Partnership
Home Builders Federation Ltd	The Pheasant Pension Fund
Home Office Direct Communications Unit	The Planning Bureau Ltd
Honley Civic Society	The Planning Inspectorate
Honley High School	The Ramblers' Association
Housing Corporation	The Showmen's Guild of Great Britain
Howden Clough TRA	The Theatres Trust
Huddersfield Bangladeshi Muslim Association	The Three Acres Inn & Restaurant
Huddersfield Christian Fellowship	The Traveller Movement
Huddersfield Civic Society	The United Reform Church Heckmondwike
Huddersfield Friends of the Earth, Holmfirth Transition Town and Marsden and Slaithwaite Transition Towns	The Woodland Trust
Huddersfield Penistone Sheffield Rail Users Association	Thornhill Estates
Huddersfield Ramblers	Thornhill Lees Action Group
Huddersfield Town Centre Partnership Ltd	Thornhill Lees Community Action Group
Huddersfield Town FC	Thornton and Ross
Indigo Planning	Thornton Kelly
	Threadneedle Property Investments Ltd
	Three

Institute of Directors, Yorkshire	Three Valleys Sports + Development
IWA West Riding Branch	Community Trust
J Cartwright and R Pilling and P Whiteley	Thurstonland Village Association
J H Walter	Tintwistle Parish Council
J L Brierley Ltd	Together Housing Group
J. Holmes & Sons	Town Team Slaithwaite and Marsden
Jade Windows	Renaissance Market Town Initiative
Jane Simpson Access Ltd	Towndoor Ltd
Jebson Construction Ltd	Townsend Planning Consultants
John Edward Crowther Ltd	Trans Pennine Trail
John Radcliffe and Sons Ltd	Transformation Locala
Johnson Brook	Transport 2000
Johnsons Wellfield Quarries Ltd	Transport Planner (Policy) Metro
Jones Homes (Northern) Ltd	Transport Planner Metro (WYPTE)
Jones Homes (Yorkshire) LTD	Traveller Law Reform Coalition
JSC Pipework & Mechanical Services Ltd	Trust Wide Estate South West Yorkshire
Junction Property Ltd	Foundation Trust
K Hall & Sons	Ubrique
K.C.Oakes and Sons	UK Coal
KCS Development Ltd	UK Outdoor Fitness
Keep Holmfirth Special	Ultralife Healthcare Ltd
Keep Our Rural Spaces	University of Huddersfield
Keep Roberttown & Hartshead Rural	University of Huddersfield Students' Union
Committee	Unknown Holgate Construction Ltd
KeyLand Developments Ltd	Urban Evolution
Kier Ventures Limited	Uster Haigh Ltd
Kirkburton & Highburton Community	Valley Wind
Association	Vernon & Co
Kirkburton and District Civic Society	Vernon Property Developments
Kirkburton Civic Society	Vernon Property LLP
Kirkburton Labour group	Vodafone and O2
Kirkburton Parish Council	W H Brook and sons
Kirklees Active Leisure	Wakefield Council
Kirklees Bridleways Group and Arrow	Wakefield Diocese
Kirklees Campain Against Climate Change	Wakefield MDC
Kirklees Community Action Network	Walker Morris LLP
Kirklees Community Association	Wavin Ltd
Kirklees Conservative Group	Welcome to Yorkshire
Kirklees Environment Partnership	Wellhouse Methodist Church
Kirklees Federation of Tenants and Residents	West Bretton Parish Council
Association	West Yorkshire Archaeology Advisory Service

Kirklees Green Party	West Yorkshire Biodiversity Coordinator
Kirklees Health and Wellbeing Board	West Yorkshire Ecology
Kirklees Older People's Network	West Yorkshire Combined Authority
Kirklees Older People's Network (Denby Dale)	West Yorkshire Ecology
Kirklees Older People's Network (Newsome)	West Yorkshire Fire and Rescue Service
Kirklees Partnership	West Yorkshire Geology Trust
Kirklees Stadium Development LTD	West Yorkshire Police Authority
KMRE Group	West Yorkshire Police Estates

Appendix C

Statement of the Representation Procedure

Kirklees Council
Community Infrastructure Levy (CIL) – Draft Charging Schedule (DCS)
Statement of the Representation Procedure

Under Section 212 of the Planning Act 2008 (as amended by Section 114 of the Localism Act 2011), Kirklees Council intends to submit a Community Infrastructure Levy Draft Charging Schedule for Examination.

Kirklees Council is inviting representations on the Draft Charging Schedule from 9am Monday 7th November 2016 to 5pm on Monday 19th December 2016 under Regulation 16 and 17 of the Community Infrastructure Levy Regulations 2010 (as amended).

In accordance with the Regulations, Kirklees Council has made available for consultation:

- Kirklees Council Community Infrastructure Levy Draft Charging Schedule
- Relevant evidence to support the CIL Draft Charging Schedule
- Statement of the Representations Procedure

All of the above documents are published on the Council's website:

<https://www.kirklees.gov.uk/beta/planning-policy/community-infrastructure-levy.aspx> and paper copies can be viewed at:

Location/address	Opening times
Huddersfield Customer Service Centre, Civic Centre 3, Huddersfield HD1 2TG	Mon-Wed and Fri 9:00am to 5:00pm Thurs, 10:00am to 5:00pm
Dewsbury Customer Service Centre, The Walsh Building, Town Hall Way, Dewsbury WF12 8EE	Mon-Fri, 9:00am to 5:00pm

You can also visit a Drop-in session, where we can help you to register your views:

- 12pm to 8pm, Tuesday 22 November 2016
Dewsbury Town Hall Reception Room
- 12pm to 8pm, Tuesday 29 November 2016
Huddersfield Town Hall Reception Room

Comments on the Draft Charging Schedule can be made in writing in the following ways:-

- On the Council's consultation website: <http://consult.kirklees.gov.uk/portal>
- Comment forms are available at Civic Centre 3, Huddersfield and Dewsbury Service Centre, or can be downloaded from the Council's website and returned to us by **email** at local.development@kirklees.gov.uk or by **post** at: Planning Policy Group, PO Box B93, Civic Centre 3, off Market Street, Huddersfield, HD1 2JR.

Any organisation or individual may request the right to be heard at the Examination. This request must be submitted in writing and received within the specified consultation period 9am on 7th November 2016 to 5pm on 19th December 2016. Representations may also be accompanied by a request to be notified, at a specified address, of any of the following:

- That the Draft Charging Schedule has been submitted to the examiner in accordance with Section 212 of the Planning Act 2008.
- The publication of the recommendations of the examiner and the reason for these Recommendations, and
- The approval of the Charging Schedule by the Council.

Any organisation or individual who makes representations about the Draft Charging Schedule may withdraw those representations at any time by giving notice in writing to the Council, sent to the specified addresses as detailed above.

Representations will be published on the Council's consultation website and made available for inspection on request. Representations cannot therefore, be treated as confidential.

Further information or help

If you require further help, please e-mail: local.development@kirklees.gov.uk

Appendix D

CIL Draft Charging Schedule Consultation Press Advertisement

KIRKLEES COUNCIL
COMMUNITY INFRASTRUCTURE LEVY (CIL) – DRAFT CHARGING SCHEDULE (DCS)
STATEMENT OF THE REPRESENTATION PROCEDURE

Under Section 212 of the Planning Act 2008 (as amended by Section 114 of the Localism Act 2011), Kirklees Council intends to submit a Community Infrastructure Levy Draft Charging Schedule for Examination.

Kirklees Council is inviting representations on the Draft Charging Schedule from 9am Monday 7th November 2016 to 5pm on Monday 19th December 2016 under Regulation 16 and 17 of the Community Infrastructure Levy Regulations 2010 (as amended).

In accordance with the Regulations, Kirklees Council has made available for consultation:

- Kirklees Council Community Infrastructure Levy Draft Charging Schedule
- Relevant evidence to support the CIL Draft Charging Schedule
- Statement of the Representations Procedure

All of the above documents are published on the Council's website: <https://www.kirklees.gov.uk/beta/planning-policy/community-infrastructure-levy.aspx> and paper copies can be viewed at:

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- That the Draft Charging Schedule has been submitted to the examiner in accordance with Section 212 of the Planning Act 2008.
- The publication of the recommendations of the examiner and the reason for these Recommendations, and
- The approval of the Charging Schedule by the Council.

Any organisation or individual who makes representations about the Draft Charging Schedule may withdraw those representations at any time by giving notice in writing to the Council, sent to the specified addresses as detailed above.

Representations will be published on the Council's consultation website and made available for inspection on request. Representations cannot therefore, be treated as confidential.

Further information or help
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local.development@kirklees.gov.uk

Appendix E

Summary of Comments Submitted During Consultation on the Kirklees CIL Draft Charging Schedule: 7th November 2016 to 19th December 2016

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
<p>1. Do you consider that the proposed levy rates in the Draft Charging Schedule have been informed by appropriate available evidence?</p>			
<p>CIL_DCS3 Vann</p>		<p>National priorities (main roads, education, etc) should be funded by national taxation. Local funding should be used for only those matters that are strictly local matters. Otherwise, poorer districts or geographically disadvantaged districts will need to have a lower CIL funding structure to attract development.</p> <p>Equally, the high charges for South Kirklees will increase to cost to the purchaser, adding another factor in attracting only wealthier future residents. This would be another factor creating divisions in society.</p> <p>Only a few years ago, the villages of the Holme Valley had a socially healthy mix of people from all walks of life. This is no longer the case, and this charge is yet another factor which accelerates unhealthy social change.</p> <p>Regrettably but understandably, local authorities find this (indeed, any) source of extra funding attractive, but it is, in effect, a retrogressive "tax" (ie. "developments affordable only for those who can afford extra costs").</p>	<p>Any CIL money collected will be spent on council-defined priorities based on the R123 list, which is informed by the infrastructure planning for the Local Plan. The R123 list is a live document and will be reviewed annually. CIL can be spent on local or district-wide priorities, alongside other infrastructure funding sources.</p> <p>A percentage of the CIL raised in an area can be spent on locally-defined priorities.</p> <p>The CIL charges have been set using viability evidence that considers the underlying development market and values. The CIL has been set with a</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
			buffer under viability thresholds to ensure additional costs are not passed on to the purchaser.
CIL_DCS5 Thomas	The Planning Bureau Ltd (McCarthy & Stone Retirement Lifestyles Ltd)	<p>REPRESENTATION TO THE KIRKLEES COMMUNITY INFRASTRUCTURE LEVY - DRAFT CHARGING SCHEDULE</p> <p>This is a representation on behalf of McCarthy & Stone Retirement Ltd. It is considered that with its extensive experience of providing development of this nature the Company is well placed to provide informed comments on the emerging Kirklees Council Community Infrastructure Levy (CIL), insofar as it affects or relates to housing for the elderly.</p> <p>We previously provided commentary on the Preliminary Draft Charging Schedule in December 2015 in which we in turn expressed our concern that the emerging CIL could prohibit the development of specialist accommodation for the elderly at a time when there is an existing and urgent need for this form of development. Notably we raised concerns over the methodology used to determine the viability of Sheltered / Retirement Housing.</p> <p>In response to our representation we note that the Council has both tested the viability of specialist older persons' accommodation and revised its Charging Schedule in line with the findings of this additional evidence. As such, we commend the Council's considered response to our objection and its willingness to test and ensure that specialist accommodation for the elderly remains deliverable under the proposed CIL regime. We support the Draft Charging Schedule</p>	Support noted.

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		as proposed.	
CIL_DCS7 Patrick CIL_DCS8 Sims CIL_DCS9 Firth		<p>If used correctly the Community Infrastructure Levy could and should support the proposals in the Kirklees Council Local Plan for new housing and employment opportunities for the life time of the Plan. However, it is our belief that the Community Infrastructure Levy as proposed will not support the proposals in the Plan for rural south Kirklees in general and for Holme Valley South in particular.</p> <p><u>School Places.</u></p> <p>Every year we are contacted by parents who are unable to get their children into local schools. That is the current situation. Head Teachers and School Governors also inform us that their schools are full.</p> <p>School places are currently calculated on a cumulative basis as new homes are occupied. Homes that are approved and not built or not occupied are not included in the calculation for a subsequent planning application for homes. That means, given the number of homes approved and not built in recent times in the ward (over 300) the Council is already under estimating the number of school places needed.</p> <p>Add onto this the high volume housing developments planned for rural villages like Hade Edge, Scholes and Hepworth and we will have a shortage of school places.</p> <p>The evidence in the documents supporting the CIL proposal does not</p>	<p>The infrastructure planning evidence for the Local Plan and CIL has been undertaken in collaboration with the council's school planning team, using their school capacity and trend data.</p> <p>The transport infrastructure for the Local Plan and CIL has been developed in consultation with the council's Strategic Highways and Development Management Highways teams and Highways England. The priorities for investment are defined based on this evidence.</p> <p>CIL can be used alongside other funding sources to deliver the necessary transport infrastructure to support growth. A percentage of the CIL raised in an area can be spent on locally-defined priorities, which can include local transport improvements. CIL will help fund infrastructure to support growth. However the CIL is not intended to be the only funding</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>reflect the current situation as we see it. There are two figures shown;</p> <p>Figures for Holme Valley for 2015 show 'no anticipated need for additional places' for the period of the plan, that is, at each stage shown; 5 years, 10 years and 15 years.</p> <p>Figures for 2016 for Holme Valley South show 31 new places at 5 years, 40 at 10 years and 41 at 15 years cumulative.</p> <p>Even the recalculation for 2016 is low. It would appear from the supporting documents that there is an expectation that children will be schooled in other wards. That would necessitate more car journeys, with parents travelling several miles to other schools. It would also mean that children in the same family would end up going to different schools. That already happens now to some degree and creates problems for families and extends their car journeys travelling between different schools. It is neither convenient nor sustainable.</p> <p>If the figures for the other wards are out too, then the Council will find itself in a right old mess very quickly.</p> <p>The result of underestimating school places means a shortage of school places and the inability for the Council to pay for school extensions through CIL. Schools in Holme Valley South will not get the funding required as the lions share of the CIL generated in Holme Valley South is used in other wards.</p>	<p>source for infrastructure.</p> <p>Therefore the council will not be relying solely on CIL receipts for the delivery of infrastructure. Strategic infrastructure issues are identified in the Infrastructure Delivery Plan (IDP). The approach to infrastructure funding and delivery across the district is set out in the Local Plan.</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>We believe the evidence used to support the CIL for calculation of school places is wrong, is an under estimate and as such the CIL proposal is not sound.</p> <p><u>Transport</u></p> <p>The emphasis for transport infrastructure improvements in Kirklees is centred on Huddersfield and north Kirklees with no major investment planned for rural south Kirklees. Apart from a concession to build a congestion relief road in the centre of Holmfirth, which we lobbied for, there are no other schemes planned. Public transport is poor and inhabitants rely on private car transport for work and leisure.</p> <p>In practice the planning authority continue to ask developers to contribute to the provision of Metro Cards for new dwellings, but these are wasted as the local public transport does not cover all settlements, or is infrequent and often unreliable. Cycling is not an option for most people due to the topography (hills) which lends itself more to the serious leisure cyclist (and Le tour de Yorkshire) than to commuting. Walking is also not an option for most for similar reasons.</p> <p>We know that developers would rather give contributions to other more sensible options such as road junction improvements which do benefit the new residents as well as the community.</p> <p>If the CIL proposals are to be adopted in the current form badly needed road infrastructure improvements will not take place locally,</p>	

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>because the lions share of the CIL generated by house building in Holme Valley South will be used to fund the major schemes identified in north Kirklees.</p> <p>Under CIL regulations as set out in the NPPG Kirklees Council is required to pass a proportion of CIL receipts to the Parish Council. That is expected to be 15%. If the Holme Valley Parish Council produces a Neighbourhood Plan, as expected, that could rise to 25%. That will not be enough to fund the junction improvements.</p> <p>If the housing developments proposed in the Local Plan for Hepworth, New Mill, Scholes and Hade Edge are to be sustainable then we know we need to see some major road junction improvements. New Mill junction is key. It is already operating over capacity and that has been recognised and accepted by the Highway Authority for recent planning applications, though surprisingly not identified in the Local Plan. The junction provides access to Holmfirth, Huddersfield, Sheffield and Manchester for through traffic and local traffic. It is a bottle neck and poorly designed.</p> <p>The Highway Authority is looking at a scheme to build a roundabout. It is a very expensive scheme and without recognition in the Local Plan it is unlikely to attract funding. We have lobbied for this junction to be improved and for it to be included in the Local Plan. As outlined above, as it stands with the exclusion of this junction from the plan we believe the plan is unsound as it is contrary to policies in the Local Plan and the NPPF. Improvements to infrastructure need to take place before the housing allocations are built or occupied.</p>	

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>If the Planning Inspector is able to drive around some of the roads from New Mill junction up to Scholes via Totties and onto Hade Edge he or she will witness first hand the substandard nature of the roads and the junctions; narrow roads having to cope with heavy traffic at peak times, not built for modern traffic conditions. All traffic filters down to the main junctions in Holmfirth and New Mill. They are strategic junctions and if the Local Plan was done right then CIL could be used to improve both these junctions instead of just one of them.</p> <p>On the edge of the ward we have the Sovereign junction, which is a major junction and an accident blackspot. This serves through traffic to Manchester, Huddersfield, the M1 to Leeds, and Sheffield as well as local communities. It is also surrounded by local quarries generating a lot of HGV traffic and a new 25ha quarry site is proposed in the Local Plan (1965a) which will further increase the congestion of the junction. Two minor junctions, top and bottom of the Sovereign are used as rat run junctions to avoid the main junction. Both are subject to accidents. This junction requires immediate improvement but is not recognised in the Local Plan for strategic improvement. In our opinion it should be so that CIL can be used to fund it.</p>	
CIL_DCS10 Butterfield	WYG (Pennine Property Partnership)	The Kirklees Local Plan and CIL Viability Study (October 2015) and Addendum Report (September 2016) accompanying the consultation on the Draft CIL Charging Schedule identify that, in the absence of site specific data, assumptions have been made for site infrastructure and abnormal development costs, based on area wide assessments and assumptions. This has resulted in the proposed	In developing the approach for the Local Plan and CIL Viability Study (October 2015), a stakeholder workshop was held to discuss the assumptions for the viability model.

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>CIL headroom figure and CIL rates identified in the draft CIL Charging Schedule. In the first instance, these representations object to this approach procedurally.</p> <p>The Council has not followed Best Practice in preparing its evidence. Our client has not been approached directly by the authors of the two documents mentioned above. Had my client been consulted they could have advised on known development costs and risk areas. Secondly, with reference to site specific matters that would inform the Council's evidence, in the case of my client's land interests at the former St Luke's Hospital Site, site specific costs mean that such assumptions cannot be applied in the same manner. Such costs impact on the viability of development on the site.</p> <p>The development of the site has been financed through a repayable loan of £2m from the Homes and Communities agency (HCA) which is required to be repaid over a two year period and the costs of refurbishment and provision of new clinical accommodation within the Huddersfield Royal Infirmary and Acre Mill buildings, which are in excess of £5m, need to be recovered. It is considered that no CIL charge should be levied on the former St Luke's Hospital Site and any form of CIL charge above nil would make the development unviable.</p> <p>A full Viability Assessment would be prepared and submitted in advance of any Examination into the Draft Charging Schedule to support a nil CIL charge for my client's land interests, but in the interim we would welcome a meeting to discuss the draft CIL and the site specific matters arising in this instance with reference to both the proposed residential and retail warehousing CIL charges.</p>	<p>A cross-section of stakeholders was invited, including local housebuilders, agents and architects, national house builders and adjacent planning authorities.</p> <p>Feedback from this event and a follow-up questionnaire fed into the viability appraisal. The viability evidence and assumptions were made available for consultation during the Preliminary Draft Charging Schedule Consultation between 9th November 2015 and 1st February 2016. Comments received during this consultation were considered and the viability assumptions revised.</p> <p>The viability assessment tests a range of development types at different scales, alongside a number of specific larger sites. There is recognition that specific sites may have very specific circumstances affecting viability.</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
			<p>These can be considered as part of any adopted CIL regime and potential exceptional circumstances as defined by the CIL Regulations.</p> <p>The St Luke's Hospital Site has outline planning permission for comprehensive redevelopment (2014/93099) with a discharge of conditions approval 17th Nov 2016. If this application is implemented as permitted, liability for CIL would not apply retrospectively.</p>
CIL_DCS13 Tucker	WYG (Church Commissioners for England)	<p>Kirklees Local Plan and CIL Viability Addendum (September 2016)</p> <p>The purpose of the addendum is to update the evidence underpinning the Community Infrastructure Levy Draft Charging Schedule (2016), considering the representations to the Local Plan and Community Infrastructure Levy (CIL) consultation earlier in the year and provide further analysis and iteration of the viability evidence base.</p> <p>The Site is identified as a strategic site allocation within Value Area 3 in the Cushman and Wakefield Local Plan and Community Infrastructure Levy Viability Study (2015) and it's Addendum (2016).</p> <p>Our comments and concerns regarding the assumptions in the Local</p>	

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>Plan and CIL Viability Addendum are outlined below.</p> <p>Abnormal Costs</p> <p>In their Development Appraisal Assumptions, Cushman and Wakefield have included infrastructure costs under the heading abnormal costs, which they state "equates to approximately £15,000 per dwelling" (para 4.9, page 10). We would highlight that, in Cushman and Wakefield's Appraisal for the Chidswell site costs for infrastructure and servicing are set at £10,591 per unit. Whilst we agree that £15,000 per dwelling is a reasonable estimate for infrastructure and servicing works we would expect S106 and abnormal costs to be included separately and would anticipate that these will be in the region of £5,000 per dwelling. In total we therefore estimate the costs to be:</p> <p>Infrastructure and servicing - £23,025,000 (£15,000 per unit)</p> <p>Abnormals – £7,675,000 (£5,000 per unit)</p> <p>S106 – £7,675,000 (£5,000 per unit)</p> <p>Site specific viability appraisal evidence</p> <p>In response to the site specific viability appraisal at appendix 3 for the Site, we agree with the approach to set a blended rate of profit as set out in the Table at page 35. However, the actual appraisal (page 37-38) sets the profit at 20.65% on GDV. It would be helpful if the approach could be clarified.</p>	<p>The figure £15,000 per plot was an indication of the per plot level of the abnormal allowance on area wide results. It does not represent a threshold or benchmark of the quantity of infrastructure or abnormal costs.</p> <p>Appendix B of the Local Housing Delivery Group Viability Testing of Local Plans (June 2012) indicates that infrastructure costs for servicing large scale sites are typically in the order of</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>Conclusions</p> <p>Strategic sites are critical for the delivery of the Local Plan and its growth plans and economic aspirations, playing a significant role that strategic sites have in helping Kirklees to achieve its strategic housing and employment targets over the Plan period. However, by their nature they are likely to incur higher infrastructure costs and higher on-site infrastructure provision.</p> <p>We, therefore, trust that our comments and concerns will be afforded the appropriate consideration and weight by the Council. The imposition of CIL on strategic sites will significantly affect their viability, having a potential consequential impact on housing and economic delivery and supply across Kirklees.</p>	<p>£17,000 to £23,000 per plot.</p> <p>It is accepted that individual circumstances may differ however there is no evidence to substantiate or support the figures presented by the representation.</p>
CIL_DCS14 Chambers	Tangent Properties (Nether End Farm, Denby Dale Ltd)	<p>My clients do not feel that the proposed CIL levy rates have taken account of available evidence, particularly comparable approved rates in authorities which have broadly similar housing markets. This is a particular concern in respect of Zone 1 where we believe that an unrealistically high rate is proposed.</p> <p>Whilst we are pleased that, as a result of our previous recommendation, the two highest CIL charging zones have been amalgamated we do question the high rate of £80 per sq m over a relatively large sector of the Kirklees district.</p> <p>Moreover, we believe that this level is still severely out of kilter with other authorities in the region: Leeds (CIL adopted April 2015) –</p>	<p>CIL rates have been set in relation to viability evidence. The proposed CIL rates are set with a viability buffer under the potential maximum charge. The £80 psm rate is set with a 37% buffer from the maximum potential CIL charge.</p> <p>The proposed CIL rates are considered to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development.</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>Highest rate (£90 psm) applies to the north Leeds commuter belt (Wetherby, Boston Spa, Otley etc). Sheffield (CIL applicable July 2015) –Highest rate (£80 psm) applies to the South West area only covering Fulwood, Dore & Totley etc. In respect of both Leeds and Sheffield the highest CIL rates are only applied to what are probably two of the best residential property markets in the whole of Yorkshire.</p> <p>Even the best residential areas of the Kirklees Rural area do not command the level of house prices or land values as North Leeds or South West Sheffield. Turning to more comparable situations, Wakefield and Rotherham propose the following highest CIL rates for their boroughs: Wakefield (CIL applicable April 2016) –Highest rate (£55 psm) applies to Sandal, Walton, Ackworth and prime villages in rural areas. Rotherham (CIL approved by Inspector April 2016) Highest rate (£55 psm) applies to Broom, Moorgate, Wickersley, Bramley & Ravenfield. We would suggest that the highest charging areas in Wakefield and Rotherham are much more comparable and in alignment with the proposed Zone 1 charging area.</p> <p>Furthermore, both are proposing to adopt a realistic rate of £55 psm. Accordingly, my clients argue that the evidence would support a CIL rate of £55 psm for Zone 1. Levels approaching or matching those in the prime areas of Sheffield and Leeds would be unsound and not based upon the available evidence and should not be pursued.</p>	<p>Evidence indicates that £80 psm in the highest value areas would be viable and allows for 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 (20%) than, for example, Wakefield (30%). This lower requirement increases the relative headroom for CIL in Kirklees.</p>
CIL_DCS15 Taylor		<p>Proposed Charging Schedule</p> <p>The rationale for the charging schedule proposed by Kirklees suggests that this is based on an assessment of house prices and</p>	<p>The proposed charging zone boundaries are based on the CIL viability evidence. The charging zones</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>the viability of making such charges. The decision to have only one charging zone for the whole of rural south Kirklees is a flawed one, there are significant variances in house prices and viability of charges across an area which represents close to a third of the entire Kirklees area.</p> <p>In most of these communities, what is needed is more affordable homes, using the new broader definition of affordability, as it is starter homes that are needed and this was borne out by the representations that I received during the previous consultation. By having a high indiscriminate levy across the whole district this will make such properties less viable and developers will seek to build more large executive style houses which already exist in abundance in the area.</p> <p>The proposed charges also seem to be out of proportion with those of neighbouring authorities. For example the charges for Wakefield, which borders parts of Zone 1 are £55 as against £80 to £100 in Kirklees. This disparity will only encourage builders to choose to build in Wakefield in preference to Kirklees as building similar properties will enable them to make a better return.</p> <p>The price point for the revised zones also needs to better reflect those of adjoining authorities so that Kirklees is not the most expensive which will only serve to force up house prices (and so make them less affordable) and discourage builders from developing here. Finally, the plan needs to either exclude the rural south Kirklees from the CIL if the Council believes no local infrastructure is required to support the delivery of the plan or alternatively incorporate in the plan those improvements which it believes are</p>	<p>were identified using Land Registry average house prices, mapped against postcode areas.</p> <p>The council recognises that there may be local variations in values; however it is considered the district-wide viability assessment provides robust and appropriate evidence to inform the charging zones.</p> <p>The council considers that the charging zones proposed broadly reflect the viability of residential development across the district and avoid undue complexity in setting differential rates for residential development.</p> <p>The CIL Regulations outline that the majority of affordable and self-build developments are exempt from CIL.</p> <p>CIL rates have been set in relation to viability evidence. The proposed CIL rates are not set to a maximum to allow for a viability buffer in</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>necessary and are responsible for the charging schedule as specified.</p>	<p>accordance with the Government's CIL NPPG (paragraph 19). The proposed CIL rates are considered to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development.</p> <p>It is important to not make simple comparisons to other locations as Kirklees has a lower affordable housing requirement (20%) than, for example, Wakefield (30%). This lower requirement increases the relative headroom for CIL in Kirklees.</p>
<p>CIL_DCS18 Rose</p>	<p>Spawforth Associates (Miller Homes)</p>	<p>Planning and Infrastructure Delivery</p> <p>The purpose of CIL must be to positively fund infrastructure required to enable growth. This is stated in the Regulations and reflected in the Guidance (para 25-016-20140612) which states that Charging Authorities must identify the total cost of infrastructure they wish to fund wholly or partly through CIL in order to support development in its area. Infrastructure is defined in the Planning Act 2008 (Section 216) as:</p> <ul style="list-style-type: none"> • roads and other transport facilities • flood defences 	<p>The council considers that the CIL Draft Charging Schedule is based on robust evidence, as set out in the Kirklees Infrastructure Delivery Plan (October 2015) and Kirklees Infrastructure Delivery Plan Addendum (November 2016). The IDP is a live document and will be updated on a regular basis, in consultation with key partners, local communities and infrastructure providers.</p> <p>The R123 list is drawn directly from the infrastructure evidence supporting</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<ul style="list-style-type: none"> • schools and other educational facilities • medical facilities • sporting and recreational facilities, and • open spaces <p>Miller Homes acknowledges the updating of the Infrastructure Delivery Plan Addendum (IDPA). However, Miller Homes objects to this evidence as it continues to contain significant errors.</p> <p>The purpose of CIL must be to positively fund infrastructure required to enable growth. This is stated in the Regulations and reflected in the Guidance (para 25-016-20140612) which states that Charging Authorities must identify the total cost of infrastructure they wish to fund wholly or partly through CIL in order to support development in its area.</p> <p>The Guidance outlines CIL should only be considered where an identified funding gap is demonstrated. This process should also identify a CIL infrastructure funding target which also identifies those projects which could be funded by CIL. The IDPA (November 2016) does not conclude or state what the funding gap is or whether one exists. This creates a lack of clarity.</p> <p>Miller Homes is concerned that the IDPA is still an aspirational document with a list of projects as opposed to a route map for</p>	<p>the Local Plan. Kirklees Infrastructure Delivery Plan (October 2015) and Kirklees Infrastructure Delivery Plan Addendum (November 2016). The R123 list and the CIL Draft Charging Schedule Background Report (Nov 2016) provide explanation regarding how CIL and planning obligations will operate alongside each other, in compliance with CIL Regulations.</p> <p>Once adopted the council will keep the CIL, Regulation 123 list and IDP under review to ensure that the CIL remains appropriate over time.</p> <p>The CIL NPPG (paragraph 16) states that the government recognises that there will be uncertainty in pinpointing other infrastructure funding sources, particularly beyond the short-term. The funding gap for Kirklees is drawn directly from the Local Plan infrastructure evidence and is identified in Section 4 of the CIL Draft Charging Schedule Background Report (Nov 2016). The funding gap identified is £90,954,000.</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>delivery of essential infrastructure. The IDPA still does not conclude what is required in certain areas, such as education and considers that further reviews are needed.</p> <p>Miller Homes is concerned that the IDPA does not provide a sufficiently reliable basis upon which to form a view on the soundness of the proposed Charging Schedule and levels. Miller Homes believes that further work is required to update the document, and adequately relate the list of infrastructure projects, their potential funding and the delivery of the levels of growth proposed under the Development Plan.</p> <p>The objective of CIL is fundamentally to assist with the delivery of developments, as CIL receipts are used toward the funding of new major infrastructure. The CIL Charging Schedule and supporting documentation must therefore outline the positive actions proposed from the Council to enable the actual delivery of major infrastructure, which may require additional 'top up' funding.</p> <p>Miller Homes is concerned that Infrastructure Project TS5 - Mirfield to Dewsbury to Leeds (including North Kirklees Growth Zone) corridor (TS5) misses the opportunity to identify and deliver a strategic highway through Dewsbury Riverside which will act as the Ravensthorpe Relief Road, remove congestion and aid regeneration. This concern is amplified when reviewing TS5 in the Infrastructure Delivery Plan which states that TS5 "addresses local congestion issues and the associated impact of a large housing allocation to the south of Dewsbury". This allocation misses the strategic opportunity of a Ravensthorpe Relief Road, which has been mooted for a significant period of time. The strategic highway through Dewsbury</p>	

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		<p>Riverside has been modelled and has been shown to benefit the communities of Ravensthorpe and Dewsbury and has been shown to reduce congestion along the A644 and will also assist in the regeneration of Ravensthorpe and Dewsbury. The Infrastructure Delivery Plan similarly underplays the strategic role of a Ravensthorpe Relief Road.</p> <p>Miller Homes is engaging with the Council and has undertaken significant investigations into delivering and enabling a strategic highway which will perform the role and function of a Ravensthorpe Relief Road, which will be a catalyst towards economic growth and change in the area, whilst forming part of the strategic urban extension to the south of Dewsbury. These investigations have shown that the road can be delivered, that it reduces congestion along the A644 and have benefits in terms of journey time savings.</p> <p>This highway scheme is an option for creating additional capacity on the network and resolving traffic congestion issues in the area. As a highway option for Dewsbury the highway scheme should therefore be identified in the Plan.</p> <p>The route of the strategic highway through Dewsbury Riverside should therefore be identified in the Infrastructure Delivery Plan to allow for the delivery of this economically significant road scheme. The baseline evidence that Miller Homes has undertaken demonstrates that the road can be delivered in this corridor.</p> <p>Miller Homes therefore consider that the IDPA should therefore be</p>	

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		<p>reviewed.</p> <p>Viability Appraisal</p> <p>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 Savills have scrutinised the assumptions within Section 2 and Appendix 3 of the CIL Viability Addendum Report produced by Cushman & Wakefield. The overall objective is to ensure a reasonable rate of CIL, which allows for the policy requirements for sustainability and affordable housing, and anticipated residual Section 106/ 278 and other site specific infrastructure.</p> <p>The aim of this report is therefore not to oppose CIL; it merely seeks to ensure a reasonable rate is proposed, which will enable the planned development in the area to come forward. We have commented on each of the appraisal inputs and assumptions outlined in Section 2 and Appendix 3 of the aforementioned report.</p> <p>Within this report, we are only commenting on particular key areas of the evidence base. The lack of reference to other parts of the evidence base cannot be taken as agreement with them and we reserve the right to make further comments upon the evidence base at the Examination stage.</p> <p>Residential Development</p>	

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		<p>All of the viability assumptions made by Local Authorities and their consultants should be sense checked to ensure that they are reasonable.</p> <p>Section 2 and Appendix 3 of the CIL Viability Addendum report by C&W outline the assumptions that have been used in their viability analysis. Below we provide commentary and analysis of the assumptions relating to Residential Development, namely:</p> <ul style="list-style-type: none"> • Review of Value Areas and Sales Evidence (Section 2); • Appraisal Assumptions (Appendix 3). <p>Residential Development Scheme Selection</p> <p>In relation to the strategic site at Dewsbury Riverside, Miller Homes object to the assumptions and conclusions made. Miller Homes are currently preparing a Masterplan and Delivery Framework which will include a viability assessment. Miller Homes are willing to engage with C&W to ensure that the assumptions made on Dewsbury Riverside reflect these reports.</p> <p>Other Costs Assumptions</p> <p>Professional fees and contingency</p> <p>C&W has assumed professional fees at 8% of build costs and external works. Based on evidence nationally from housebuilders</p>	<p>No viability assessment has yet been provided.</p> <p>Agreed.</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>and developers, for larger sites with a capacity of more than 500 dwellings, these professional fees can vary between 6 to 12% of build costs.</p> <p>A contingency allowance of 3% has also been assumed by C&W. Again, this will vary dependent on the individual characteristics of each site and the amount of abnormal costs that may be attributable and is thus a conservative assumption. We would suggest a contingency allowance of say 5% given the uncertainty regarding abnormal costs.</p> <p>Marketing, sales agent and legal fees</p> <p>C&W has assumed sales, marketing and legal fees of 3.5% of GDV. Assumptions between 3.5% and 4% of the GDV for marketing and sales costs are considered to be the industry norm. Savills has evidence from housebuilders of their costs within this range.</p> <p>Purchaser's Costs</p> <p>Purchasers costs of 1.8% of the purchase price have been assumed by C&W. Whilst not explicitly stated within the CIL report, this is usually composed of:</p> <ul style="list-style-type: none"> • 1% agent fees; • 0.5% legal fees; • 0.3% VAT on agent and legal fees. 	<p>Allowances for abnormals and profit levels considered to allow sufficient buffers for uncertainties</p> <p>Within the range so no difference in assumptions.</p> <p>Noted, however allowance made to cater for developments by general developers and investment companies as well.</p>

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		<p>Whilst including VAT on agent and legal fees as part of the purchaser's costs is standard practice for commercial properties, it is less common for VAT to be included in the purchaser's costs of residential transactions by regional and national housebuilders. This is because given the nature of the sites that would be eligible for CIL in terms of scale, regional and national housebuilders would be attracted to the sites. It is likely that the majority, if not all of these housebuilders would be registered for VAT and would thus be able to claim the VAT back. Consequently, we are of the opinion that purchaser's costs should comprise:</p> <ul style="list-style-type: none"> • 5% stamp duty (stepped in line with the most recent changes to Stamp Duty from 17 March 2016); • 1 to 1.5% agents fees; • 0.5% legal fees. <p>Finance</p> <p>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).</p> <p>Profit</p> <p>A profit on GDV of 20.77% has been assumed. This is in line with Savills evidence regionally and nationally from housebuilders.</p>	<p>Within the range so no difference in assumptions</p> <p>Within the range so no difference in assumptions</p> <p>Within the range so no difference in assumptions</p>

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		<p>Policy Standards</p> <p>Affordable housing</p> <p>C&W refers to tenure mix and transfer values as outlined in Kirklees Council's Supplementary Planning Document. Following the Government's cited proposals for 'starter homes', 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.</p> <p>Abnormal Development Costs</p> <p>C&W is of the opinion that within the above value ranges, the sites can accept at least £150,000 per acre for abnormal costs. C&W states that this is at the higher end of the scale, providing a worst case scenario for more constrained sites in the district. However, we would like evidence presented to justify this broad assumption, particularly with the topography of the district and other constraints present.</p> <p>Overall Conclusion on the Economic Viability Evidence</p> <p>The impact of the above on the assessments made by C&W would result in the conclusion that the introduction of CIL at the levels</p>	<p>Transfer values are based on fixed transfer value figures set in 2008. Changes since these rates were set, with the replacement of social rent with affordable rent, plus the pending introduction of a greater level of affordable ownership properties including starter homes, will enhance the effective transfer value position thus improving viability than that indicated by the viability evidence.</p> <p>This is an allowance for abnormal costs in the absence of site-specific evidence. The evidence in support of the Wakefield CIL, and debated in the examination, included an allowance of £100,000 per acre.</p> <p>No alternative site-specific evidence has been provided.</p>

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		<p>proposed will threaten the ability to develop sites and the scale of development identified in the Council's Local Plan.</p> <p>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 majority of the Dewsbury Riverside site. Miller Homes considers that at these rates the majority of schemes would be unviable.</p>	<p>The analysis provides a reasonable estimate of the viability of the site, given the unknowns at the current time. Whilst it is acknowledged that there may be variation in certain elements, there are considered to be adequate built-in buffers to insulate the viability of the scheme from the relatively small effects of a £20 psm CIL.</p>
<p>2. Do you consider that the proposed levy rates would strike an appropriate balance between securing additional investment to support the development identified in the local plan, and the potential effects on the viability of development in Kirklees district?</p>			
<p>CIL_DCS7 Patrick CIL_DCS8 Sims CIL_DCS9 Firth</p>		<p><u>CIL Charges</u></p> <p>Looking at the proposed charges, the highest charges will be in rural south Kirklees. We are told this has been done on average house prices and postcode sectors. What we have here is a situation where most CIL generated in the south will be redistributed to the north. If Kirklees had more zones like Leeds and Barnsley you would get a fairer spread with some higher charging bands in the north and some lower charging bands in the south.</p> <p>We understand the CIL charges for Wakefield (at the boundary with Kirklees) are lower so that will attract developers to Wakefield rather</p>	<p>The CIL will help fund infrastructure to support growth, however the CIL is not intended to be the only funding source for infrastructure. Therefore the council will not be relying solely on CIL receipts for the delivery of infrastructure.</p> <p>Strategic infrastructure issues are identified in the Infrastructure Delivery</p>

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		<p>than Kirklees. That begs the question if cross boundary consultation has taken place and why land either side of an invisible administrative boundary has been calculated differently.</p> <p>Again this raises questions about the application of CIL in Kirklees and whether it has been thought through properly, for the benefit of the communities which are going to be affected by development.</p> <p><u>Impact on Local Builders</u></p> <p>It would appear that the emphasis of the Kirklees Local Plan is to offer high volume housing allocations to deliver more homes quickly. This is evidenced by the relatively large sites even in small rural villages like Hade Edge. Having spoken to local builders we have learnt that their trade will be badly affected by the charging regime.</p> <p>It will create problems for affordable housing in the south and also for the viability of developments in the range of 1 to 10 houses. A builder wanting to build a single house will have to pay a CIL tax of between £8,000 and £10,000 within 60 days of commencement. That's for a national average size house. That means local builders having to find or borrow extra money at the outset. And it also puts up the price of the house which detracts from building houses that can be bought by first time buyers or older people downsizing. These things are important in rural villages to maintain vibrant settlements.</p> <p>Anyone building over 10 dwellings will pay less per dwelling thereby</p>	<p>Plan. This includes an assessment of infrastructure requirements to support the strategic growth aimed for in the Local Plan. It is not a comprehensive list of all local infrastructure investment schemes that will be developed and implemented over time.</p> <p>It is important to not make simple comparisons to other locations as Kirklees has a lower affordable housing requirement (20%) than, for example, Wakefield (30%). This lower requirement increases the relative headroom for CIL in Kirklees.</p> <p>The CIL Viability Assessment and Addendum have tested viability using a range of site value thresholds intended to be representative of typical net land prices in different parts of the district.</p> <p>It is considered that the district-wide CIL Viability Assessment provides robust and appropriate evidence to inform the CIL charging rates. Local Plan Policy PLP 11 states that</p>

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		<p>attracting the large volume housebuilders. Smaller lower impact sites are less likely to be developed, whilst bigger high impact sites will be delivered if the demand is there. That will result in a greater impact on infrastructure including roads and school places over a shorter period of time, with insufficient CIL collected or redistributed locally. That in itself is going to cause problems already alluded to above.</p> <p>We don't think this has been thought out properly. We don't think the impacts have been assessed, and as such we don't think it is sound.</p>	<p>developments of 10 units or less are not required to provide affordable housing. The omission of this additional cost for smaller developments results in increased viability for these sites and thus justifies the higher CIL rates.</p> <p>Table 2 of the CIL Draft Charging Schedule Background Report shows that the CIL rates have been significantly discounted from the maximum viability headroom (£100 rate = 68% discount / £80 rate = 56% / £40 rate = 39%). These discounts, along with other conservative assumptions in the viability assessment allow a significant viability buffer so as not to adversely affect the viability of smaller developments.</p>
CIL_DCS10 Butterfield	WYG (Pennine Property Partnership)	<p>As set out above, the draft CIL Charging Schedule needs to be based on appropriate available evidence. In not engaging with my Client regarding their land interests the Council has neither complied with relevant Best Practice guidelines, nor prepared a draft CIL Charging Schedule that is based on the most appropriate evidence. Any CIL rate above zero would make development of my Client's land unviable and this should be taken into account in the development of the drat CIL Charging Schedule.</p>	<p>In developing the approach for the Local Plan and CIL Viability Study (October 2015), a stakeholder workshop was held to discuss the assumptions for the viability model. A cross-section of stakeholders was invited including local housebuilders,</p>

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		<p>In addition, there is no clear commitment for the Council to spend CIL receipts on the infrastructure to meet development needs. There should be a clear investment plan to demonstrate how CIL funding will be spent in tandem with development, and guarantee that the infrastructure which developers are paying for will be provided and in a timely fashion. The Plan should highlight where CIL is to be used for the improvement, replacement, operation and maintenance of existing infrastructure, as well as provision of new.</p>	<p>agents and architects, national house builders and adjacent planning authorities. Feedback from this event and a follow-up questionnaire fed into the viability appraisal.</p> <p>The viability evidence and assumptions were made available for consultation during the Preliminary Draft Charging Schedule Consultation between 9th November 2015 and 1st February 2016. Comments received during this consultation were considered and the viability assumptions revised.</p> <p>The Draft Charging Schedule rates are set considering the infrastructure planning evidence for the Kirklees Local Plan, which includes detail about infrastructure schemes and phasing.</p> <p>The R123 list sets out the council's approach to collecting infrastructure contributions from development. The CIL Draft Charging Schedule</p>

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			Background Report provides further information about this.
CIL_DCS11 Johnson	Johnson Mowat	We reserve the right to make further comments when the Starter Homes has been introduced upon which time a review of the evidence will be required to assess the implications that the Starter Homes will have on: CIL; the Affordable Housing Quota; and Affordable Housing Transfer Values.	Comment noted.
CIL_DCS14 Chambers	Tangent Properties (Nether End Farm, Denby Dale Ltd)	We suggest that the proposed CIL rate of £80 per sq m within Zone 1 could undermine the viability and deliverability of a number of sites within the Kirklees Rural area. We have presented evidence from comparable authorities in the West and South Yorkshire area where CIL charging rates are significantly lower for the top rated CIL areas. We suggest that a maximum CIL rate of £55 per sq m is more appropriate for Zone 1 which would be in line with comparable adopted CIL charges in both Wakefield and Rotherham districts.	<p>CIL rates have been set in relation to viability evidence. The proposed CIL rates are set with a viability buffer under the potential maximum charge. The £80 psm rate is set with a 37% buffer from the maximum potential CIL charge.</p> <p>The proposed CIL rates are considered to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development.</p> <p>It is important to not make simple comparisons to other locations as Kirklees has a lower affordable housing requirement (20%) than, for example, Wakefield (30%). This lower requirement increases the relative</p>

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			<p>headroom for CIL in Kirklees.</p> <p>The council considers that the proposed CIL rates are viable, as supported by the CIL Viability Assessment and Addendum. No viability evidence has been provided as part of the representation as to what the level of CIL or viability buffer should be.</p>
CIL_DCS15 Taylor		<p>I fully support the proposal by Kirklees Council to introduce a CIL to support the provision of local infrastructure required because of growth. However, the Local Plan as currently drafted does not recognise the need for local infrastructure improvements to support the volume of planned developments within the rural South Kirklees. I believe that the intention of the legislation to introduce the concept of a CIL was to ensure that the monies raised was used to offset the impact on the local infrastructure because of the new growth.</p> <p>In Kirklees, this is not the case, in fact the area which is determined by the plan as having no need for additional local infrastructure is defined as having a CIL levy which is currently the highest in West Yorkshire. If no additional local infrastructure is required (which is the plan's assumption) then surely there is no argument for even imposing a CIL in these areas.</p> <p>If a CIL of between £80 to £100 per sq.m is justified, this would suggest a significant investment in local infrastructure. The proposal fails on this very simple assessment. If the Council is arguing that the</p>	<p>The CIL will help fund infrastructure to support growth, however the CIL is not intended to be the only funding source for infrastructure. Therefore the council will not be relying solely on CIL receipts for the delivery of infrastructure. Strategic infrastructure issues are identified in the Infrastructure Delivery Plan (IDP).</p> <p>The IDP includes an assessment of infrastructure requirements to support the strategic growth in the Local Plan. It is not a comprehensive list of all local infrastructure investment schemes that will be developed and</p>

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		<p>growth in housing in rural South Kirklees can be delivered without improvements to the local infrastructure it cannot simultaneously argue that a significant financial contribution is required to be made by the developers. I believe the whole approach to the CIL by Kirklees Council is flawed and unsound.</p> <p>Impact on Builders</p> <p>If this proposal is adopted this will hit small local builders significantly hard and seems a policy which has been written with large national builders in mind. It is in a sense a double whammy. Small builders will normally be operating on smaller sites and within this plan across zones 1 to 3 there is a significant additional premium to be paid if you are developing a small site.</p> <p>Small local builders do not have the capital backing to start developing very large sites so will always be looking for smaller sites to develop and as a Council Kirklees should be supporting small developers and in fact this is a stated aim of their asset disposal plans which have been brought before Council. Local Builders by their nature live and work in the district and employ local tradesman & yet it seems this proposal is being developed to make it more difficult for them.</p> <p>The double whammy comes in when you look at the payment of the CIL, again for small builders this is front loaded and must all be paid within 60 days of starting on site, which means an increased cash flow is needed for these small firms to be able to afford to make the payment before the houses are developed. They will already have</p>	<p>implemented over time.</p> <p>It is important to not make simple comparisons to other locations as Kirklees has a lower affordable housing requirement (20%) than, for example, Wakefield (30%). This lower requirement increases the relative headroom for CIL in Kirklees.</p> <p>Bradford Council's CIL Draft Charging Schedule includes a rate of £100 psm, which was accepted at examination (Examiner's Report received 20th Dec 2016). Barnsley Council's CIL Draft Charging Schedule includes a rate of £80 psm on areas bordering the Kirklees Rural charging zone.</p> <p>The CIL Regulations require a proportion of CIL receipts to be passed to local communities where development has taken place. The neighbourhood portion is set out in the CIL Regulations. Local communities will receive 15% of the neighbourhood portion of CIL receipts (or 25%, if a neighbourhood plan or neighbourhood</p>

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		<p>had to pay out to purchase the land, so this is an added blow.</p> <p>For volume developers, who have better access to capital backing, not only do we make the costs cheaper for them but we also give them up to 12 months in which to make the full payment. I think this approach is short-sighted and needs equalising so that we give are small local builders a chance to compete more fairly and not put more financial pressures on them.</p>	<p>development order has been made).</p> <p>The CIL Viability Assessment and Addendum have tested viability using a range of site value thresholds intended to be representative of typical net land prices in different parts of the district.</p> <p>It is considered the district-wide CIL Viability Assessment provides robust and appropriate evidence to inform the CIL charging rates. Under Policy PLP 11 of the Local plan, developments of 10 units or less are not required to provide affordable housing. This results in improved viability for such sites.</p> <p>Table 2 of the CIL Draft Charging Schedule Background Report shows that the CIL rates have been significantly discounted from the maximum viability headroom (£100 rate = 68% discount / £80 rate = 56% / £40 rate = 39%). These discounts, along with other conservative assumptions in the viability assessment allow a significant viability buffer so as not to adversely affect the</p>

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			viability of smaller developments.
CIL_DCS17 Smith	Historic England	<p>Draft Charging Rates</p> <p>In terms of our area of interest, the suggested rates of CIL that it is proposed to charge for both residential and non-residential developments seem unlikely to impact upon future investment in schemes which could help secure the future of the District's heritage assets.</p>	Comment noted.
CIL_DCS20 Aizlewood		<p>Dimension 2 Infrastructure</p> <p>These points also demonstrate a failure to comply with PDLP Strategies and Policies document section 6.3 Infrastructure planning- Policy PLP4 Providing Infrastructure. As demonstrated above, both traffic and education infrastructure appear deficient but the current plan does not address infrastructure planning for Kirklees Rural directly. For example, in particular, it assumes that there will be sufficient primary school provision in Kirklees Rural to accommodate demand arising from new developments but this has not been analysed in any depth.</p> <p>Dimension 3 Settlement Size and Function</p> <p>These points also demonstrate a failure to comply with PDLP Strategies and Policies document section 6.2 Location of new development Policy PLP3 in that the developments for these extensions to upland villages fail to adequately reflect the settlement size and function or to demonstrate an appropriate understanding of the requirements of place shaping. The plan calls for an</p>	The CIL draft charging rates are based on the infrastructure evidence supporting the Local Plan. The Local Plan strategies and policies will be tested independently for their soundness. The CIL will help the council deliver its Local Plan strategy by helping to fund the necessary infrastructure to support growth.

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		<p>additional 188 houses in the upland village of Scholes, 66 in the upland village of Hade Edge, 18 in the community of Cinderhills and 96 in the upland village of Netherthong, all of which represent significant changes of scale to the existing settlements.</p> <p>These upland villages share a heritage of agricultural and cottage-industry woollen employment and comprise settlements of mixed size and nature, many of which are listed. The mass development of four-bedroom dormitory estates in these locations can only be utterly detrimental to local character, identity and distinctiveness. Such estates fail to recognise that these villages also require homes for all the community: for independent singles, couples, young families and the elderly as well as established families. There is insufficient provision in these areas and the setting of such a high CIL can only affect this adversely.</p> <p>As implied in the above text, the level of CIL for Zone 1 should be reviewed and that all such developments should be masterplanned in light of the size of change which they represent.</p>	
<p>3. Do you consider that the differential rates proposed across the four residential charging zones would help ensure that the viability of development in the district is not put at risk?</p>			
CIL_DCS6 Pleasant	NJL Consulting (Catholic Diocese of Leeds)	<p>We welcome the changes to the CIL Draft Charging Schedule, which simplify the proposed residential charging zones, particularly in the north east of the CIL area.</p> <p>However, we have concerns with the alignment of the IDP and CIL Charging Schedule with the emerging PDLP.</p>	<p>Comment noted.</p> <p>Sections of the IDP have been updated in the IDP Addendum to align with the Publication Draft Local Plan. The CIL Draft Charging Schedule is</p>

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			consistent with this evidence.
CIL_DCS10 Butterfield	WYG (Pennine Property Partnership)	With reference to our response to Q1 above, in utilising area-wide assumptions on land and development costs with no site specific inputs, the charging zones identified have not been based on appropriate evidence and should be revisited with input from relevant stakeholders that can provide site specific costs. As set out above, any CIL rate above zero would make our Client's development unviable. As drafted, the Charging Schedule is putting the viability of developments at risk.	<p>The Local Plan and CIL Viability Study tests a range of development types throughout the district. This includes detailed analysis of a sample of 'real world' development sites from various locations across the district, including sites in the Publication Draft Local Plan that are of strategic significance.</p> <p>These sites have been tested for site-specific viability in Appendix 3 of the Kirklees Local Plan & CIL Viability Study (October 2015) and Kirklees Local Plan & CIL Viability Addendum (September 2016). It is considered that the viability evidence is appropriate to inform differential residential rates across the district.</p>
CIL_DCS14 Chambers	Tangent Properties (Nether End Farm, Denby)	We would argue that the viability of developments are being put at risk within parts of Zone 1 and, accordingly, the maximum CIL rate should be reduced to £55 per sq m.	The council considers that the proposed CIL rates are viable as supported by the CIL Viability Assessment and Addendum. No

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	Dale Ltd)		alternative viability evidence has been provided as part of the representation as to what the level of CIL or viability buffer should be.
CIL_DCS15 Taylor		<p>There are areas in Huddersfield (Birkby) or North Kirklees (Birkenshaw or Thornhill Edge) which easily command similar or greater house prices than those in parts of rural south Kirklees but they are not given a similar zoning. This glaring inequality needs to be addressed</p> <p>The disparity between the proposed levies is also significant with Zone 1 four times the cost of the next most expensive zone for volume builders which seems far too steep an increase and the proposed levies should be better aligned. If Kirklees is to encourage housing growth it needs to demonstrate that it is open to development. Disproportionally high charges in one zone seems to suggest it does not wish to see housing growth in this area. The unintended consequence of this current policy will surely be house price inflation in this area as fewer homes are built and those that are built at an increased premium to meet the CIL costs.</p> <p>In summary I do not believe that this proposal merits support, it is unsound and unequitable and could, if implemented, discourage house building in zone 1. The charging zones need revising to better reflect the relative house prices at a more equitable level between the rural south & the rest of Kirklees. The charging policies for small developments need revising to better support small local builders who are disadvantaged by the current plans.</p>	<p>The CIL charges have been set using viability evidence that considers the underlying development market and values. The CIL has been set with a buffer under viability thresholds, to ensure that additional costs are not passed on to the purchaser.</p> <p>The proposed charging zone boundaries are based on the CIL viability evidence. The charging zones were identified using Land Registry average house prices mapped against postcode areas. The council recognises that there may be local variations in values; however it is considered the district-wide viability assessment provides robust and appropriate evidence to inform the charging zones.</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
			<p>The council considers that the charging zones proposed broadly reflect the viability of residential development across the district and avoid undue complexity in setting differential rates for residential development.</p>
CIL_DCS16 Hobson	WYG (Strata Homes)	<p>We are concerned that any Community Infrastructure Levy does not put at risk the development viability of the Roberttown site (H442).</p> <p>We note that the district has been split into four Charging Zones for residential purposes of ten or more dwellings. It would seem from the Appendix A Draft Charging Rates Map that the Roberttown site falls within Zone 3 and the charging rate value for this area is £5 per sq m.</p> <p>Reference is made to the CIL Viability Addendum prepared by Cushman Wakefield dated September 2016 and it would seem that the adjusted value areas identified in Figure 2.2 have been transferred across into the draft Charging Schedule. Within the adjusted value area Site H442 is identified as 'Value Area 4'. From Table 3.3, which provides a comparison of CIL headroom between October 2015 and the revised assessment, Value Area 4 (for sites of ten units plus) was identified as having a maximum CIL headroom (October 2015) of zero and with the amendments identified in May 2016 the same value area was also shown as zero. Nevertheless, the Preliminary Draft Charging Schedule shows a rate of £5 per sq m. It is clear that based on evidence work and land values</p>	<p>The council considers that its proposed CIL rates are viable, as supported by the CIL Viability Assessment and Addendum. No alternative viability evidence has been provided to justify the nil rates of CIL proposed in the representation.</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>associated with Value Area 4 there are viability concerns which would suggest that a nil rate of CIL is recommended for residential schemes of over ten dwellings within this area. We therefore recommend that the draft Charging Schedule for Zone 3 is reduced to a nil rate of CIL.</p>	
CIL_DCS18 Rose	Spawforth Associates (Miller Homes)	<p>Review of Value Areas and Sales Evidence</p> <p>C&W initially defined five geographical zones that were split based on differences in residential values across the Kirklees District. C&W have now reviewed this and have instead suggested the following:</p> <ul style="list-style-type: none"> • Value area 1: £190,000 to £294,000 • Value area 2: £165,000 to £190,000 • Value area 3: £140,000 to £165,000 • Value area 4: £65,000 to £140,000 <p>We would note that the Dewsbury Riverside site is stated by C&W to be found in Value area 3 (average of £200 psf), with C&W being of the opinion that the site would largely fall into the £20 psm zone, and partially within the £5 psm zone.</p> <p>As we indicated within our previous report of December 2015, there is no new build evidence within the close vicinity of the proposed Dewsbury Riverside site and which is therefore directly comparable. We would indicate that the schemes cited by C&W within their report</p>	

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>are not in the direct vicinity of Dewsbury Riverside and are therefore not comparable. We would further reiterate that the map below illustrates this: (See attached document p.8)</p> <p>Within Appendix 3, in their 2015 report C&W referred to Dewsbury Riverside falling within 3 value areas (£200 per sq ft, £180 per sq ft and £150 per sq ft). Whilst C&W have reviewed their evidence and instead suggested an overall £/sq ft of £200/sq ft in their September 2016 Addendum, based on Savills evidence, we would maintain that a blended value area for the entire site of around £185/sq ft should be applied on the site. This is closer to C&W's suggested band of £5 psm for CIL.</p> <p>We would therefore suggest that these Value Areas be reviewed.</p> <p>Based on Savills evidence, we do not agree with the assumption that there are 2 value areas across Dewsbury Riverside, due to the lack of concrete sales evidence to confirm these areas. We are therefore unable to comment on these appraisal results until the appraisal assumptions and CIL charging areas are reviewed by the Council.</p> <p>Furthermore, we would also 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, on Dewsbury Riverside there is one boundary which runs along a footpath adjacent to the railway line on the northern boundary and one which wraps around the UDP</p>	<p>Based on the review of the evidence documented in the Viability Addendum, and reflecting the likelihood that the site will seek to create its own distinct market, we consider that £200 psf represents an appropriate value level for the area</p> <p>Boundaries are based on postal boundaries which provide a clearly identifiable basis for the charging zones.</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>housing allocation. These boundaries do not appear to be logical. Dewsbury Riverside should be identified as a single charging zone of £5psm. The charging zones should be reviewed.</p> <p>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>	
CIL_DCS20 Aizlewood		<p>The charging rate for zone 1 is discriminatory and will pose serious threats to sustainability, local character and distinctiveness, such as the “ <i>attractive landscape character</i>” of the areas in which the developments are located (PDLP Strategies and Policies document Para 5.4 ‘Strengths/opportunities for growth’).</p> <p>There has been little community involvement prior to these planning applications being submitted.</p> <p>The comments below refer specifically to the Holme Valley region of Kirklees Rural.</p> <p>Because the levy is so high, developers will have to recoup their investment by building high-margin properties. This is borne out by analysing the current planning applications which have been submitted so far for ‘village extension’ housing allocations in the Holme Valley such as:</p> <p>H294, 2016/93365 in Netherthong: 24x 4/5 bed; 5 affordable 2/3 bed H597, 2016/90864 in Scholes: 4x 3 storey; 4/5 bed H288a, 2016/91967 in Hade Edge: 23x 3 bed; 43x 4 bed H47, 2014/93107</p>	<p>The CIL charges have been set using viability evidence that considers the underlying development market and values. The CIL has been set with a buffer under viability thresholds to ensure that additional costs are not passed on to the purchaser.</p> <p>The CIL draft charging rates are based on the infrastructure evidence to support the Local Plan. The Local Plan strategies and policies will be tested independently for their soundness. The CIL will help the council deliver its Local Plan strategy of supporting growth by helping to fund the necessary infrastructure.</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>in Cinderhills: 4x 5 bed; 4x 4/5 bed; 10x 4 bed.</p> <p>There are a number of dimensions to the challenging impacts of these housing allocations.</p> <p>Dimension 1 Nature of Housing Developments</p> <p>Such houses require that the resident breadwinner earns a significant salary. As noted in the PDLP Strategies and Policies document Para 5.4 'Challenges to growth' section, "<i>there are limited opportunities to work and shop locally, more people in this part of Kirklees commute longer distances ...</i>". In addition, the second adult in these households will also need transport in order to take the children to school: Hade Edge school is currently seeking public subscription to extend their school hall, presumably in an effort to accommodate the children of the 66 houses to be built there and Scholes School currently has just seven places available to accommodate the children from the 206 houses to be built at Scholes and Cinderhills. Further, when the children become of age, it is inevitable that they will also become car owners. Three and four car families are not unusual in this area.</p> <p>Consequently, these developments result in an enormous challenge to sustainability as listed below.</p> <p>a) The developments become de-facto suburban dormitories for external commuters to the detriment of community cohesion and impacts on the well-being of the community, commuters and their families.</p>	

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>b) PDLP Strategies and Policies document Para 5.4 'Challenges to growth' section states specifically that "<i>High house prices create problems of affordability for local people</i>"</p> <p>c) The above 'Challenges to growth' section also states "<i>Historic settlement patterns and topography often mean that the highway network can be constrained by narrow lanes and pinch-points</i>". This is indeed the case in these areas in particular, with many local roads being single track, with and without pavements. This increases perceptions of danger for pedestrians and cyclists who paradoxically as a result, turn to cars themselves.</p> <p>d) These areas are usually poorly served by public transport.</p> <p>e) These developments serve to drive the proverbial horse and cart through PDLP Strategies and Policies document section 10.2 Policy PLP20 Sustainable Travel "<i>New development will be located in accordance with the Spatial Development Strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car</i>"</p> <p>Points b)-e) should be considered in the light of the responses to the Early Engagement Consultation which placed road and traffic infrastructure second to the protection of the green belt on the list of public concerns with education infrastructure in third place.</p>	
CIL_DCS22 Royle	Kirkburton Parish Council	The rules covering the Community Infrastructure Levy vary depending on the size of the developer, which is creating a two-tier	The CIL Viability Assessment and Addendum have tested viability using

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>system, which disadvantages the smaller developer.</p>	<p>a range of site value thresholds, intended to be representative of typical net land prices in different parts of the district.</p> <p>It is considered that the district-wide CIL Viability Assessment provides robust and appropriate evidence to inform the CIL charging rates.</p> <p>Under Policy PLP 11 of the Local plan, developments of 10 units or less are not required to provide affordable housing. This results in improved viability for such sites.</p> <p>Table 2 of the CIL Draft Charging Schedule Background Report shows that the CIL rates have been significantly discounted from the maximum viability headroom (£100 rate = 68% discount / £80 rate = 56% / £40 rate = 39%). These discounts, along with other conservative assumptions in the viability assessment, allow a significant viability buffer so as not to adversely affect the viability of smaller developments.</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
4. Do you have any comments to make on the Draft Regulation 123 (R123) list, and the approach to the continued use of section 106 obligations?			
CIL_DCS1 Coy	Canal & River Trust	<p>In our response to the Preliminary Draft Charging Schedule we stated that 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"> • The Huddersfield Narrow from Huddersfield to Golcar and from Golcar to Standedge. • The Calder & Hebble Navigation from Shepley Bridge to Spen Valley Greenway scheme. <p>We note the Council's response:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <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> </div>	<p>Comments received during the Preliminary Draft Charging Schedule consultation were considered in preparing the Draft Charging Schedule.</p> <p>The Draft R123 list is based on the council's Infrastructure Delivery Plan and Addendum which set out the strategic infrastructure requirements in relation to delivering growth in the district. This has helped to identify an infrastructure funding gap and inform the Draft R123 list.</p> <p>The IDP will be updated on a regular basis in consultation with key partners, local communities and infrastructure providers. The council will consider these comments and update the IDP accordingly.</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>However, we note that the draft Regulation 123 does not include any of the towpath improvement schemes that we referred to and which the Council have alluded to in their response. Please can the Council clarify this matter?</p>	
CIL_DCS2 Barnes	West Yorkshire Fire Service	<p>I refer to the Council's consultation notification dated 2.11.16.</p> <p>The Authority would wish to request that Fire and Rescue Service infrastructure (including new fire stations) be added to if not already included in the Regulation 123 list of infrastructure types that may be funded under the CIL. It recognises that this may not be appropriate for certain FRS equipment such as fire hydrants provided they can be adequately provided for in alternative ways such as specific provision in Section 106 agreements but to achieve that the Council will need to ensure consultation is effected with the Authority over whether reference to fire hydrants needs to be made in any proposed Section 106 agreements before they are agreed.</p>	<p>Comments received during the Preliminary Draft Charging Schedule consultation were considered in preparing the Draft Charging Schedule.</p> <p>The Draft R123 is based on the Council's Infrastructure Delivery Plan and Addendum which sets out the strategic infrastructure requirements in relation to delivering growth in the District. This evidence forms the basis of an infrastructure funding gap and informs the Draft R123 list.</p> <p>The IDP will be updated on a regular basis, in consultation with key partners, local communities and infrastructure providers. The council will consider these comments and update the IDP accordingly.</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
CIL_DCS4 Stringer	Wakefield MDC	<p>Dear Sir / Madam</p> <p>Kirklees Community Infrastructure Levy - Draft Charging Schedule Consultation</p> <p>I apologise for submitting these comments by email, but I am unable to find any links in the document on the Portal to submit comments online.</p> <p>The only comment I have to make on behalf of Wakefield Council relates to the draft Regulation 123 Infrastructure List. The Draft Regulation 123 List would benefit from referring to some specific infrastructure projects identified in the Infrastructure Delivery Plan Evidence, rather than just listing generic categories of infrastructure, prior to submission for Examination. This would help to avoid questions about double charging for the same infrastructure project through CIL and section 106 planning obligations.</p>	<p>The R123 is drawn directly from the infrastructure planning supporting the Local Plan, as set out in Kirklees Infrastructure Delivery Plan (October 2015) and Kirklees Infrastructure Delivery Plan Addendum (November 2016).</p> <p>The R123 List and CIL Draft Charging Schedule Background Report provide explanations regarding how CIL and planning obligations will operate alongside each other, in compliance with CIL Regulations.</p>
CIL_DCS6 Pleasant	NJL Consulting (Catholic Diocese of Leeds)	<p>CIL Regulation 123 List and PDLP transport scheme</p> <p>Linked to our above comments regarding PDLP Policies PLP19 and PLP49, there is a clear need to ensure the CIL IDP and emerging Local Plan are fully aligned.</p> <p>The CIL Regulation 123 List being prepared by the council should correlate with key development objectives in the borough. For example, the transport schemes identified in PLP19 must relate the</p>	<p>The R123 is drawn directly from the infrastructure evidence supporting the Local Plan. Kirklees Infrastructure Delivery Plan (October 2015). Kirklees Infrastructure Delivery Plan Addendum (November 2016).</p> <p>The R123 List and CIL Draft Charging Schedule Background Report provide</p>

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		<p>transport schemes identified in the IDP and the Regulation 123 List.</p> <p>PDLP Site TS1 (in the Allocations & Designations section of the PDLP) identifies the A62 / A652 / Smithies Moor Lane junction for improvement works. However, the same junction is noted within scheme TS6 in the Kirklees CIL IDP.</p> <p>This should be clarified through the CIL process to ensure that works to A62 / A652 / Smithies Moor Lane are included in scheme TS1 (as opposed to TS6)</p>	<p>explanation about how CIL and planning obligations will operate in compliance with CIL Regulations.</p>
CIL_DCS10 Butterfield	WYG (Pennine Property Partnership)	<p>Pennine Property Partnership is the Applicant for the former St Luke's Hospital site at Blackmoorfoot Road, Crosland Moor. The site benefits from Outline Planning Permission, secured in 2014 (ref: 2014/60/93099/W) for phased development comprising up to 200 dwellings with associated infrastructure and open space; retail units (open use class A1); accommodation for potential neighbourhood uses (use class A2/D1/D2/sui generis); restaurant/public house (use class A3/A4); and petrol filling station (sui generis).</p> <p>An application under Section 73 (ref: 2016/70/91337/W) is currently before Kirklees Council to amend a number of conditions attached to the grant of outline planning permission, including amendments to the split of permitted retail floorspace.</p> <p>The Outline Planning Permission issued by Kirklees Council was granted subject to a Section 106 Agreement where the Principal signatories are Kirklees Council, Calderdale and Huddersfield NHS Foundation Trust and Pennine Property Partnership LLP.</p>	<p>The R123 is drawn directly from the infrastructure evidence supporting the Local Plan. Kirklees Infrastructure Delivery Plan (October 2015). Kirklees Infrastructure Delivery Plan Addendum (November 2016).</p> <p>The R123 List and CIL Draft Charging Schedule Background Report provide explanation about how CIL and planning obligations will operate in compliance with CIL Regulations.</p> <p>Planning permissions and obligations agreed in advance of the adoption of CIL are in compliance with the relevant regulations. The site in question has the benefit of an existing</p>

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		<p>The Agreement sets out various obligations in respect of: Education (Financial contribution toward the provision of and/or enhancement of education facilities at Crosland Moor Junior School and Dryclough (VC) Infant School); Transport (financial contribution towards Lockwood Bar junction improvements, off-site Highway Improvement Scheme, Metrocards, Enhanced Bus Facilities and Travel Plan Monitoring); Public Open Space (Provision and Maintenance at Walpole); Amenity (Securing secondary glazing to residents of Nabcroft Lane).</p> <p>Having reviewed the Council's Draft Charging Schedule and 'Regulation 123' list, the provision of primary education places in Crosland and Lockwood Bar junction improvements are listed as infrastructure requirements which need funding.</p> <p>The existing Section 106 Agreement for the site already makes a significant contribution toward these items but the Council are including them on the Regulation 123 list which would result in a double payment toward the same infrastructure. The inclusion of such infrastructure in the Regulation 123 list should be reviewed. In addition, with reference to Regulation 128A of the CIL Regs (2010 as amended), no transitional provisions have been identified by the Local Planning Authority to ensure that, if a CIL charge is pursued that would affect my Client's land interests, they would not pay twice for the same infrastructure on the Reg 123 list, which, as identified in the Draft Charging Schedule, is not appropriate.</p>	<p>planning permission. If this application is implemented as permitted, liability for CIL would not apply retrospectively.</p>
CIL_DCS12	Yorkshire	Yorkshire Wildlife Trust is disappointment to note that green infrastructure and habitat creation have not been included on the	The Draft R123 is based on the

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Garside	Wildlife Trust	<p>Draft Regulation 123 list. Well-designed green infrastructure can provide long term, sustainable solutions for issues such as flooding, surface water runoff and inner-city warming, which are often cheaper and require less maintenance than built structures.</p> <p>In addition, GI will also provide a wide variety of other benefits for the local area, opportunities for sustainable transport by cyclists and pedestrians, benefits for health, education and recreation and also resilience for the future effects of climate change. GI can provide support for wildlife and ensure that protected sites are better connected, enabling plants and animals to move through the landscape and hence survive impacts of development and climate change.</p> <p>Green Infrastructure, especially that which supports rich biodiversity, can also have a highly positive impact on the local economy, whether through increasing the attractiveness of the area as a place to work, increasing house values, or through nature based tourism. Assessments in North Norfolk suggest £60M value from Nature Tourism and studies carried out in Yorkshire show that with modest investment the value of Nature Tourism in Eastern Yorkshire could grow from £9M currently to over £30m within 10 years.</p> <p>Investment in green infrastructure and ecosystem services is supported in Paragraph 114 of the NPPF:</p> <p><i>114. Local planning authorities should:</i></p> <p>set out a strategic approach in their Local Plans, planning positively</p>	<p>Council's Infrastructure Delivery Plan and Addendum which sets out the strategic infrastructure requirements in relation to delivering growth in the district. This evidence forms the basis of an infrastructure funding gap and informs the Draft R123 list.</p> <p>The IDP will be updated on a regular basis, in consultation with key partners, local communities and infrastructure providers. The council will consider these comments and update the IDP accordingly.</p>

Comment Reference and Name	Organisation	Comment Summarised by Kirklees Council	Response
		<p>for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and'</p> <p>The value of green infrastructure and the benefits which it can provide for both communities and biodiversity has also been acknowledged and included within the emerging Kirklees Local Plan, and the provision of GI is included in numerous policies:</p> <p>4.2 Vision for Kirklees</p> <p><i>The natural, built and historic environment will be maintained and enhanced through high quality, inclusive design and safe environments, opportunities for play and sport, the protection and enhancement of green infrastructure ;'</i></p> <p>4.3 Strategic Objective for Kirklees</p> <p><i>6. Protect and improve green infrastructure to support health and well-being, giving residents access to good quality open spaces, sport and recreation opportunities, and to support habitats, allowing wildlife to flourish.'</i></p> <p>Policy PLP 24</p> <p><i>development contributes towards enhancement of the natural environment, supports biodiversity and connects to and enhances ecological networks and green infrastructure ;'</i></p> <p>Policy PLP 47'</p>	

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		<p><i>Healthy, active and safe lifestyles will be enabled by:...</i></p> <p><i>increasing access to green spaces and green infrastructure to promote health and mental well-being ;'</i></p> <p>Policy PLP 31</p> <p><i>Strategic Green Infrastructure Network</i></p> <p>'Within the Strategic Green Infrastructure Network identified on the Policies Map, priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide . Development proposals within and adjacent to the Strategic Green Infrastructure Network should ensure:- (i) the function and connectivity of green infrastructure networks and assets are retained or replaced; (ii) new or enhanced green infrastructure is designed and integrated into the development scheme where appropriate, including natural greenspace, woodland and street trees; (iii) the scheme integrates into existing and proposed cycling and walking routes, particularly the Core Walking and Cycling Network, by providing new connecting links where opportunities exist; (iv) the protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network. The council will support proposals for the creation of new or enhanced green infrastructure <i> provided these do not conflict with other local plan policies.'</i></p>	

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		<p>Yorkshire Wildlife Trust therefore advises that green infrastructure is included within the CIL infrastructure list for Kirklees. Barnsley Metropolitan Borough Council (BMBC) has recently adopted this approach, and included green infrastructure within their Indicative CIL Infrastructure List in their Community Infrastructure Levy - Draft Charging Schedule (see below):</p> <p>Table 3 – Indicative CIL Infrastructure List</p> <p>‘CIL (regulation 123 list) Provision of new and improvement of existing Green Infrastructure (including district, borough and regional level parks and open spaces; outdoor sports provision; cemeteries; local, national and European designated sites; historic parks and gardens; and strategic greenways) ’.</p>	
CIL_DCS13 Tucker	WYG (Church Commissioners for England)	<p>Community Infrastructure Levy Draft Charging Schedule (November 2016)</p> <p>Preliminary Draft Regulation 123 List</p> <p>We continue to have significant concerns regarding the possibility of developers being asked to pay twice for the same type of infrastructure. The Planning Practice Guidance states: "where the levy is in place for an area, charging authorities should work proactively with developers to ensure they are clear about the authorities’ infrastructure needs and what developers will be expected to pay for through which route. There should be no actual or perceived ‘double dipping’ with developers paying twice for the</p>	<p>The R123 list is drawn directly from the infrastructure planning supporting the Local Plan, including Kirklees Infrastructure Delivery Plan (October 2015) and Kirklees Infrastructure Delivery Plan Addendum (November 2016).</p> <p>The R123 List and CIL Draft Charging Schedule Background Report provide explanations regarding how CIL and planning obligations will operate alongside each other, in compliance with CIL Regulations.</p>

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		<p>same item of infrastructure."</p> <p>This is recognised the body of the Draft Charging Schedule text, but there remains ambiguity regarding the funding of strategic education infrastructure Kirklees wide (via CIL) and the requirement for Primary and Secondary school provision on the Chidswell site.</p> <p>There is a need to clarify what CIL covers with regards to 'strategic education infrastructure Kirklees wide' as there is currently potential for 'double dipping' through the expectation that a developer provide land and fund a new school on a strategic site whilst also paying contributions towards school infrastructure across Kirklees through CIL.</p>	
CIL_DCS16 Hobson	WYG (Strata Homes)	<p>Appendix D of the draft Charging Schedule provides a CIL draft Regulation 123 List. Table 2 sets out the infrastructure provision but it is at a high level. It would be helpful if the Council could provide a more detailed Regulation 123 List of specific projects that are to be funded by the CIL.</p> <p>There is insufficient clarity from the evidence submitted by the Council in terms of what items of infrastructure are intended to be covered by CIL and/or by a Section 106 Agreement. This is particularly the case with respect to education, highway improvements and openspace. We are concerned that without further clarity there may be an element of 'double dipping' between</p>	<p>The R123 list is drawn directly from the infrastructure evidence supporting the Local Plan. Kirklees Infrastructure Delivery Plan (October 2015). Kirklees Infrastructure Delivery Plan Addendum (November 2016).</p> <p>The R123 List and CIL Draft Charging Schedule Background Report provide explanation about how CIL and planning obligations will operate in compliance with CIL Regulations.</p>

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		the Regulation 123 List and any Section 106 Agreement.	
CIL_DCS17 Smith	Historic England	<p>Indicative Regulation 123 List</p> <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"> o Improvements to the Grade II Market Hall on Queensgate, Huddersfield o The creation of a visitor centre at Holmfirth to build upon the strong heritage of the area o Structural upgrades to the Tolson Museum (which includes a number of Grade II Listed Buildings) o Structural upgrades to Huddersfield Art Gallery o Refurbishment of Castle Hill and Victoria Tower o Delivery of the Masterplan for the grade I Listed Oakwell Hall <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</p>	Support noted.

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		Strategic Community and Cultural Infrastructure Projects.	
CIL_DCS19 Lambert	Environment Agency	<p>Community Infrastructure Levy</p> <p>We are satisfied that the Draft Charging Schedule incorporates flood alleviation infrastructure and open space infrastructure and have no further comments to add since our previous letter dated 24 February 2016.</p>	Comments noted.
CIL_DCS23 Rivero	Network Rail	<p>TS9 - Whilst there is support in general for the elements of the policy as it applies to rail schemes we consider that there should be an additional item relating to the provision of mobility impaired access at all Kirklees stations. Network Rail is not funded to provide disabled access at stations. The Department of Transport provides an "Access For All" fund to provide such improvements to access at selected stations. "Access For All" is part of the Department for Transport's (DfT) Railways for All Strategy and was designed to address the issues faced by disabled passengers using railway stations in Great Britain.</p> <p>Central to the programme is funding provided centrally for provision of an obstacle free, accessible route to and between platforms at priority stations. This generally includes the provision of lifts or ramps, as well as associated works and refurbishment along the defined route. Network Rail is tasked with delivering this programme of improvements and is working closely with train operating companies and other relevant stakeholders to ensure a co-ordinated approach to works at stations.</p> <p>Each Train Operating Company can bid for some of its stations to be</p>	<p>The Infrastructure Delivery Plan and Addendum set out the strategic infrastructure requirements in relation to delivering growth in the district. This has helped to identify an infrastructure funding gap and inform the Draft R123 list.</p> <p>The IDP will be updated on a regular basis, in consultation with key partners, local communities and infrastructure providers. The council will consider these comments as the IDP is reviewed.</p>

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		<p>included where it can be justified in terms of patronage; however an additional advantage is to be able to demonstrate an element of third party funding towards the project. In this instance having an item in the relevant policy (and by extension on the CiL 123 list) would be advantageous for the next round of bidding in Control Period 6 (2019-23) should the Fund be continued.</p> <p>Modification suggested</p> <p>Additional item under TS9</p> <p>Step free access at all Kirklees railway stations</p> <p>Although the requirements of the Equality Act 2010 in relation to access to railway stations generally lies with the rail industry, it is recognised that Network Rail (as stewards of the infrastructure) are not funded to provide such improvements. Equally given the short term nature of franchises the train operating companies have little incentive to invest in such improvements, some of which can be very costly (around £1.5 million for lifts or a ramped footbridge). Although there are some sources of central funding such the DfT Access For All scheme opportunities for third party contributions towards access improvements should be made where there is a recognised community benefit. Provision should be made through the CiL towards such improvements as identified in the periodic review of the CiL 123 list.</p>	
<p>5. Do you consider that the Draft Instalments Policy will assist the viability and delivery of development in the district?</p>			

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CIL_DCS10 Butterfield	WYG (Pennine Property Partnership)	<p>Our Client welcomes the proposal to introduce a payment policy, and believes that this will assist cash flow by staggering the payment of CIL costs. Notwithstanding, our Client would support an extended payment period for costs in excess of £300,000, recognising the significant capital investment that is required to bring forward developments of this floorspace, before a return can be generated. This would assist in the cash flow of the developers of these larger sites, and help to increase the likelihood of them coming forward to contribute to development in Kirklees across the Plan period.</p>	<p>Comment noted. The policy, as drafted, is judged to be appropriate. The policy will be monitored and can be reviewed once CIL is adopted.</p>
CIL_DCS13 Tucker	WYG (Church Commissioners for England)	<p>Phased Payments and Instalments Policy</p> <p>We welcome the phasing of CIL payments on large sites and the approach to treat each phase as a separate chargeable development. The proposal to allow for developers to pay their CIL charge in instalments is also welcomed. It would, however, be helpful to clarify that as each phase of a development is treated as a separate chargeable development, the payment for that phase can also be spread across instalments.</p> <p>We are broadly comfortable with the timeframes proposed in the Instalments Policy; however, it would be useful to clarify the approach Cushman and Wakefield have used with regards to how the payment of CIL has been cash flowed within their appraisals. We anticipate that it has been assumed CIL is paid in full on the commencement of development as this is the worst case position.</p>	<p>Phased payments and instalments within each phase would be considered.</p> <p>CIL payments are expected to be made at the outset of each phase with the amount of payment relating to the amount of chargeable development in that phase. The Viability Study does not assume that payments may be made in instalments. Therefore if such instalments are introduced this would introduce a further benefit/finance cost saving not currently reflected in the appraisals.</p>
CIL_DCS18	Spawforth	Payment of CIL by Instalments	The council needs to balance the need

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Rose	Associates (Miller Homes)	<p>Miller Homes welcomes the Instalments Policy. However, this should better reflect viability and delivery of large sites. Miller Homes understands that the Regulations stipulate that phased payments should be based on the Commencement Date; however the timescales shown do not fully reflect the delivery of sites and the potential for significant enabling works on large sites, which can mean that site assembly and preliminary works can take 6 to 12 months. Miller Homes therefore suggests that on larger sites that payments be put back from 26 weeks (6 months) and commence at 52 weeks (12 months).</p> <p>Miller Homes considers that recognition should be given to large scale developments which are delivered over a number of years and which can endure particular issues in relation to cashflow and the delivery of on-site infrastructure. PPG states that the “regulations allow for both detailed and outline permissions (and therefore ‘hybrid’ permissions as well) to be treated as phased developments for the purposes of the levy. This means that each phase would be a separate chargeable development and therefore liable for payment in line with any instalment policy that may be in force.” This is particularly important as the Instalments Policy does not contain a clause to reflect the potential for a site to be commenced and then stalled, for example in a recessionary period.</p>	to support a developer’s cash-flow with the importance of securing CIL payments early enough to enable investment in important infrastructure projects.
6. Should the Council offer a Draft Exceptional Circumstances Relief Policy, to assist the viability and deliverability of development in the district?			
CIL_DCS10	WYG (Pennine)	The Council’s Draft Charging Schedule does not set out a	Comments noted. The council can

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Butterfield	Property Partnership)	discretionary relief policy at present but have identified that they could adopt such a policy once the Charging Schedule has been implemented. These representations support the introduction of such a policy, which would clearly set out the circumstances in which CIL relief can be gained.	introduce an Exceptional Circumstances Relief Policy at any point after the charging schedule is approved. This will be considered in due course, in response to CIL monitoring and the viability of specific developments.
CIL_DCS17 Smith	Historic England	<p>Exemptions</p> <p>Under the CIL regulations, Local Authorities have the right to offer discretionary relief from CIL in exceptional circumstances in order to ensure that the levy does not prevent otherwise desirable development. Although it is accepted that the decision to offer exceptional relief is not part of the Charging Schedule, nonetheless, we welcome the acknowledgement within the document that such relief may be offered in exceptional circumstances. In terms of our area of interest, we consider 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 likely to secure a sustainable future for those at risk.</p>	Comments noted. The council can offer relief at any point after the charging schedule is approved. This will be considered in due course relating to CIL monitoring and the viability of specific developments.
CIL_DCS18 Rose	Spawforth Associates (Miller Homes)	<p>Discretionary Relief and Exceptional Circumstances Relief</p> <p>Miller Homes maintains its objection and is still concerned that details of a discretionary and exceptional circumstances relief policy have not been published alongside the DCS to indicate how the</p>	Comments noted. The council can offer relief at any point after the charging schedule is approved. This will be considered in due course

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		<p>approach to CIL would be undertaken in the Authority area. This is important, particularly where CIL may impact on the viability of a scheme.</p> <p>Miller Homes considers it important that the Council make available the offer of relief from the date of adoption of CIL and that the approach is clearly outlined in accordance with the Regulations and Guidance.</p>	<p>relating to CIL monitoring and the viability of specific developments.</p>
<p>7. Do you think the Council should adopt a Payment ‘in kind’ Policy for accepting land and/or infrastructure, instead of money, to satisfy a charge arising from the levy, in order to assist the viability and delivery of development in the district?</p>			
<p>CIL_DCS18 Rose</p>	<p>Spawforth Associates (Miller Homes)</p>	<p>Payments in Kind</p> <p>Miller Homes maintains its objection and is still concerned that details of a “payments in kind” policy have not been published alongside the DCS to indicate how the approach to CIL would be undertaken in the Authority area.</p> <p>The Regulations permit the payment of land in lieu of CIL. The mechanism of “payments in kind” must result in credible land values being agreed and offset against the levels of potential CIL receipts incurred through the chargeable development. If operated effectively the mechanism could considerably assist with development delivery. The policy should reflect the Guidance which allows for the provision of infrastructure as well as land, which reduces the potential and risk of “double dipping”.</p>	<p>Comment noted. The council does not currently propose to publish a ‘Payment in Kind’ policy, but will monitor the operation of CIL and consider this in due course.</p>
<p>8. Please provide any other comments below that you wish to make on the Draft Charging Schedule.</p>			

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CIL_DCS7 Patrick CIL_DCS8 Sims CIL_DCS9 Firth		<p><u>Public Consultation</u></p> <p>The public consultation for the Draft Local Plan and the Publication Local Plan and the Community Infrastructure Levy has been very poor in terms of making the detail of the proposals available to the public. Even ward councillors struggled to gain access to all the changes prior to the Council decision on 12th October 2016.</p> <p>The public engagement at both consultation stages was lacking, with officers barred from attending public meetings held outside Huddersfield and Dewsbury. This meant where public meetings were held in communities outside Huddersfield and Dewsbury, arranged by members of the public and/ or ward councillors, concerns and questions raised remained unanswered. We question whether the consultations have met the requirements under the NPPG. It is unfortunate that such a minimalistic approach was taken given the importance of the Local Plan to all our communities.</p>	<p>The consultation for the CIL has been conducted in compliance with the CIL Regulations and the council's Statement of Community Involvement (SCI). This is summarised in the CIL Statement of Consultation and Summary of Representations (April 2017).</p>
CIL_DCS10 Butterfield	WYG (Pennine Property Partnership)	<p>We trust the above comments will be taken into account as part of the consultation and look forward to receiving a response in due course. Our Client would welcome the opportunity to discuss the draft CIL rates in relation to their land interests at the former St Luke's Hospital site prior to the submission of the document to the Secretary of State, particularly with regard to the development costs and revenues and the proposed CIL Charging Zone, it is considered that their land interests should attract a nil levy. Please let us know if this is something that you would like to pursue.</p>	<p>Comments noted.</p>
CIL_DCS18	Spawforth	<p>Reviewing CIL</p>	<p>Comments noted.</p>

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Rose	Associates (Miller Homes)	<p>Miller Homes considers that the legibility of the CIL Charging Schedule would be enhanced if the Review Mechanisms were set out in the DCS. At present the DCS is silent on the review mechanisms.</p> <p>Miller Homes strongly urges the Council to have a clearly defined review mechanism and suggest that monitoring takes place on a 6-monthly basis and that this is published. Regular monitoring is important to ensure that CIL does not stifle development in the right locations.</p>	
CIL_DCS20 Aizlewood		<p>Dimension 4 Masterplanning</p> <p>PDLP Strategies and Policies document section 6.4 Masterplanning sites contains Policy PLP5 which requires that where changes of scale such as those above exist, sites should be masterplanned.</p> <p>Masterplanning is a process which serves to protect sustainability in that it is required to involve all relevant stakeholders. In this way, problems can be resolved early and local identity and character preserved. Relevant stakeholders must surely include the local community and this involvement must be undertaken in a meaningful way. It is not sufficient simply to post letters to say “this is what is being planned”. In order for sites to be masterplanned, the community at large must know which sites are being masterplanned and be offered the opportunity to participate. The Plan document does not list which sites are to be masterplanned.</p>	<p>The CIL draft charging rates are based on the infrastructure evidence to support the Local Plan. The Local Plan, its strategies and policies will be tested independently for their soundness. The CIL will help the council deliver its Local Plan strategy by helping to fund the necessary infrastructure to support growth.</p>

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		<p>The potential for the masterplanning process to be recognised as necessary, and thus undertaken, is also undermined by the division of village extension developments into smaller sites with non-adjacent housing site allocation numbers eg the 188 houses for Scholes are divided between housing site allocations H297, H597 and SI3359, giving the impression that these sites are somehow distinct when they are geographically situated adjacent to each other and together will constitute a very significant extension to the village of Scholes. A similar situation pertains at Hade Edge where the separate listing of the adjacent housing site allocations of H288a, SL2170a and SL2170b serve to diminish the overwhelming impact of the development over the period of the plan of some 175 new houses in this small scenic village at the head of the Ribblesden valley.</p> <p>Dimension 5 Housing Design</p> <p>PDLP Strategies and Policies document section 11.1 Design contains Policy PLP24 which requires that “ <i>Proposals should promote good design by ensuring:</i></p> <p><i>a) The form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape; ... ”</i></p> <p>The difficulty in this respect in the Holme Valley is that the community regard the development sites as village extensions whereas the planners and developers regard these sites as</p>	

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		<p>'greenfield' sites, a discrepancy which immediately highlights a major schism in perception which lies at the root of much of the opposition to these developments. This mindset derives directly from the disproportionate CIL rate for Zone 1 and encourages developers to produce designs which are generally more appropriate to suburban locations rather than the rural locations concerned.</p> <p>Of particular relevance here are the contents of section 11.1 para 11.4 which states in the penultimate sentence “ <i>The diverse built and natural environment in the district presents a range of different challenges requiring bespoke solutions to help respect and enhance character ...</i>” In addition, the previous sentence in para 11.4 also points out that “ <i>The topography across much of the district ... means that views and vistas should be given particular consideration ...</i> ”</p> <p>There is no doubt that these large village extension developments do provide particular challenges in respect of design and serve to provide further support to the assertion that in order that the differential CIL rate to be levied forms the basis of a sound plan, the development sites in Kirklees Rural do need to be masterplanned and that the Local Plan should acknowledge this.</p> <p>Dimension 6 Financial</p> <p>There is no doubt that the Upper Holme Valley is an extremely attractive area for developers to build and that many will be pleased to do so. Kirklees Council will make significant sums of money from this level of CIL, as well as on-going top-rated council tax receipts. But this plan has areas of difficulty which render it unsound</p>	

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		<p>in terms of sustainability and the additional effort involved in producing sustainable village extension developments cannot be underestimated. There appears to be the missing element of a holistic approach to developments in this area. The decision to abandon Kirklees Rural to market forces is not sound enough to attract my support.</p>	
CIL_DCS21 Benyon	Quod (IKEA Properties Investments Ltd)	<p>The Draft CIL Charging Schedule imposes a charge of £100 per sqm for retail warehousing development (A1), which would apply if IKEA were to redevelop or modify their store (through additional floorspace). IKEA are seeking clarification within the Charging Schedule over how this charge is to be interpreted to ensure that any future development on the Site is not compromised in any way.</p> <p>It is not clear from the supporting CIL evidence how car parking within a building is to be treated. Clearly, in the case of IKEA stores (and indeed many other retail operators), such car parking is ancillary to the main operation and does not form part of the store turnover. That said, given that it is internal/covered it could be considered as chargeable floorspace as part of the gross floor area unless an appropriate clarification is provided.</p> <p>There is no supporting evidence to support the inclusion of covered car parking as being CIL liable. Applying the proposed CIL rate to the total gross floor area could significantly affect the viability of a scheme. We therefore request that internal car parking is explicitly excluded from being CIL liable for the avoidance of doubt. This could be addressed via a footnote to the charging schedule confirming this</p>	<p>Comments noted.</p> <p>The viability evidence for the CIL tests a number of commercial development types, including retail warehousing, based on accepted methodologies.</p> <p>It is the council's view that the CIL rates in the Draft Charging Schedule have been set so as not to place the viability of growth promoted in the Local Plan in jeopardy.</p>

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		<p>point.</p> <p>Examples exist elsewhere of where CIL charges on internal car parking space has been explicitly excluded, for example at Sheffield City Council and the London Borough of Barnet. The Inspector at the Examination for the latter noted that he considered <i>“the more appropriate way forward would be to exclude CIL charges on car parking space in the Borough, whether ancillary or not, as there is no supporting evidence to underpin charging for this element of any new development”</i> .</p> <p>Similarly at Sheffield, the Inspector concluded that there was insufficient evidence to support a CIL charge on covered parking for retail development.</p> <p>They seek clarifications to the CIL Draft Charging Schedule to exclude internal car parking from being CIL liable.</p>	