

**ENVIRONMENT SELECT COMMITTEE**

**15 January 2013 at 7.00 pm**

**Conference Room - Council Offices, Argyle Road**

**AGENDA**

**Membership:**

Chairman: Cllr. Bosley Vice-Chairman: Cllr. Grint

Cllrs. Abraham, Ayres, Mrs. Bayley, Butler, Ms. Chetram, Cooke, Mrs. Dibsall, Edwards-Winsor, Eyre, London, Maskell, Orridge, Mrs. Purves, Mrs. Sargeant, Scholey, Searles and Williamson

	<b><u>Pages</u></b>	<b><u>Contact</u></b>
<b>Apologies for Absence.</b>		
1. <b>Minutes</b>	(Pages 1 - 8)	
Minutes of the meeting of the Committee held on 23 October 2012		
2. <b>Declarations of interest</b>		
Any interests not already registered		
3. <b>Formal Response from the Cabinet following matters referred by the Committee and/or requests from the Performance and Governance Committee (please refer to the minutes as indicated):</b>	(Pages 9 - 14)	
a) Edenbridge Conservation Area Appraisal and Management (Cabinet 12.11.12 Minute 50)		
b) Annual Review of Car Parking Charges for 2012/14 and Christmas Parking 2012 (Cabinet 12.11.12 Minute 47)		
c) 2013/14 Budget and Review of Service Plans 2013/14 Budget and Review of Service Plans (Cabinet 06.12.12 Minute 61)		
4. <b>Actions from previous meeting</b>	(Pages 15 - 16)	

5. **Future Business, the Work Plan 2012/13 (attached) and the Forward Plan** (Pages 17 - 18)

Members will develop a schedule of work over the year to reflect the terms of reference of the Committee focussing on the Council's priorities for policy development. This includes opportunities to invite other organisations who provide services in the District to provide information to the Committee and discuss issues of importance to the Community.

6. **Bus Services**

Richard Wilson  
Tel: 01732 227262

Verbal Reports from Kent County Council and local Bus Operators

7. **Community Infrastructure Levy Charging Schedule**

(Pages 19 - 98)

Alan Dyer  
Tel: 01732 227440

#### **EXEMPT ITEMS**

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

**The Democratic Services Team (01732 227241)**

ENVIRONMENT SELECT COMMITTEE

Minutes of the meeting of the Environment Select Committee  
held on 23 October 2012 commencing at 7.00 pm

Present: Cllr. Bosley (Chairman)  
Cllr. Grint (Vice-Chairman)

Cllrs. Grint, Abraham, Mrs. Bayley, Butler, Ms. Chetram, Mrs. Dibsall, Edwards-Winsor, Eyre, London, Maskell, Orridge, Mrs. Purves, Searles and Williamson

Apologies for absence were received from Cllrs. Ayres, Cooke, Mrs. Sargeant and Scholey

Cllrs. Mrs Davison, Davison, and Mrs Hunter were also present

18. Minutes

Resolved: that the minutes of the meeting held on 4<sup>th</sup> September 2012, be approved and signed by the Chairman as a correct record.

19. Declarations of interest

There were no declarations of interest.

20. Actions from previous meeting

The actions from previous meetings were noted.

21. Future Business, the Work Plan 2011/12 (attached) and the Forward Plan.

The Committee noted that a report on designated zones for air quality management would be presented to the meeting on 19<sup>th</sup> March 2013.

22. Railways and Trains (Southern and South-Eastern operators)

The Chairman introduced the following witnesses:

Mike Gibson – Southeastern Trains  
Yvonne Leslie – Southern Railways  
Roger Johnson – Sevenoaks Rail Travellers Association  
Bob Howes – Edenbridge Rail Travellers Association  
Cllr Clayton – Sevenoaks Town Council  
Cllr Robson – Edenbridge Town Council

# Agenda Item 1

## Environment Select Committee - 23 October 2012

### Southern Railways

Ms Leslie provided an update to the Committee which covered the following issues:

- the timetable was changed twice a year, this year the changes in December would coincide with the work that was being carried out at London Bridge Station which would result in some short-term disruption. The timetable had been amended to reflect this and an additional service from Uckfield had been added in the morning.
- the rolling stock was currently being refreshed and refurbished.
- A new smart card was being issued as an alternative to paper tickets.
- The current franchise ran until July 2015. A consultation had been undertaken concerning a “super-franchise” whereby Southern Railways would be assumed into Thameslink.

In response to a question regarding the census for the 8:04 from Uckfield, Ms Leslie reported that a new census may have already been undertaken and that she should report back to Sevenoaks District Council with further information. This information could be passed to the Edenbridge Rail Travellers Association.

*Action: that information received from Southern Railways be passed to the Edenbridge Rail Travellers Association.*

In response to a question surrounding the process for auditing the procedure for rail fare increases, Ms Leslie reported that fare increases for regulated fares had to be approved by the Department for Transport.

### Southeastern Trains

Mr Gibson provided an update to the Committee which covered the following issues:

- Average performance for the past 12 months had been 91.9%.
- Performance during the Olympics and Paralympics was excellent with 98+% achieved on many days.
- Southeastern and Network Rail had invested heavily in winter preparation measures. Southeastern were hopeful that in the event of below freezing temperatures services could be maintained. However, if there was severe, sustained and heavy snowfall Southeastern could not guarantee that services would run as normal.
- Southeastern were keen to improve communication and earlier in the year a Twitter data feed, automated email alerts and an i-phone App had been launched.
- This year fares would rise by an average of 4.2%

- A number of improvements had been made to Sevenoaks and Swanley Stations as part of the National Stations Improvement Programme.

Councillor Tony Clayton from Sevenoaks Town Council reported that it would be helpful for information on local bus services to be provided at the station to assist commuters and that the Town Council was interested in providing a screen at the station which could be used for this purpose.

Representing the Sevenoaks Rail Travellers Association, Mr Johnson highlighted that approximately 4 million train journeys a year began or ended at Sevenoaks. The need to maintain a good rail service in order to make Sevenoaks an attractive place to live or work was also highlighted. Mr Johnson also suggested that it would be helpful for Southeastern to publish a spread sheet of fare increases in order to maintain transparency. Mr Gibson reported that he thought that this would be possible.

In response to a question about overcrowding on trains Mr Gibson reminded the Committee that in recent years the number of rail passengers had increased considerably and in order to reduce overcrowding there would need to be improvements to the rail infrastructure. One way to mitigate against overcrowding was to rethink working patterns and encourage workers to travel at off peak times and work from home.

The Chairman thanked all the witnesses for attending the meeting.

### 23. Village Design Statements

The Group Manager – Planning introduced the report and explained to the Committee that the application for a neighbourhood plan area for Shoreham covered the whole Parish, including Badgers Mount. However, Full Council was shortly to determine whether a new Badgers Mount Parish Council should be established in 2015. In the light of this proposed future change to parish boundaries, it was considered that the administrative area of Shoreham Parish Council may not be an appropriate neighbourhood plan area. Further engagement with Shoreham Parish Council and Badgers Mount Residents Association would be necessary to determine an acceptable way forward on this issue. The Group Manager – Planning therefore proposed that the recommendation to the Environment Select Committee be amended and that an additional recommendation be included:

Recommendation (b) be amended to:

That Portfolio Holder approval is sought for the designation of Neighbourhood Plan Areas for Edenbridge and Ash- cum Ridley.

Additional recommendation:

That the Portfolio Holder decision on the Shoreham Parish Council Neighbourhood Plan Area application be deferred until after Full Council make the decision on whether a new Badgers Mount Parish Council should be formed in 2015.

In response to a question the Group Manager – Planning reported that there was nothing in statute limiting the life of a Village Design Statement. Over time it was possible that Statements could become out of date and the relevance of the document would depend on the amount of change in an area however, responsibility for making changes to the documents would rest with the local Parish Council.

Resolved: that

- (a) the Portfolio Holder be recommended to approve the adoption of Seal and Underriver Village Design Statements and Otford Parish Plan Supplementary Planning Documents;
- (b) The Portfolio Holder be recommended to approve the designation of Neighbourhood Plan Areas for Edenbridge and Ash-cum Ridley; and
- (c) The Portfolio Holder decision on the Shoreham Parish Council Neighbourhood Plan Area application be deferred until after Full Council make the decision on whether a new Badgers Mount Parish Council should be formed in 2015.

24. Annual Review of Parking Charges for 2013/14 and Christmas Parking 2012

Members considered the annual review of parking charges which proposed options for increases in respect to car park and on street parking charges to meet the budget for 2013/14. The Committee also gave consideration to proposals for free Christmas parking for 2012.

The Parking and Amenity Manager explained that all the car park options put before the Committee achieved the 3.5% increase in charges reflected in the 10 year budget.

Councillor Mrs Purves proposed and Councillor Mrs Dibsdall seconded the following motion:

Sevenoaks car park changes should not be raised but be kept at the current level in order to encourage people in this difficult economic climate to come into the town and use the shops and other services.

The Chairman noted that this proposal would represent a loss of approximately £60,000 and these savings would have to be found elsewhere in the budget.

The Committee held a debate on the proposed motion. The motion was put to the vote and LOST.

It was suggested that increases should be applied to the Blighs car park with others slightly further out from the town centre remaining as they are. People could choose between paying higher charges for the convenience of parking very close to the shops or paying less but with a longer walk to the shops. Members were supportive of this proposal and went on to discuss the merits of increasing the 1 hour charge in the Buckhurst 1, Buckhurst 2, South Park, Suffolk way and Pembroke Road car parks by 10p to £1.00.

Councillor Grint proposed and Councillor Eyre seconded that all on-street parking charges for 30 minute short stay parking be raised from 10p to 20p

The motion was put to the vote and there voted –

13 votes in favour of the motion  
2 votes against the motion

The Chairman declared the motion to be CARRIED.

The Chairman proposed the following increases:

<b>SEVENOAKS TOWN CENTRE - Blighs</b>			<b>Proposed Increase</b>
Short stay	30 minute	50p	20p
" "	1 hour	£1.10	20p
" "	2 hours	£2.30	20p
" "	3 hours	£3.80	40p
<b>Buckhurst 1, Buckhurst 2, South Park, Suffolk Way &amp; Pemboke Road</b>			
Short stay	1 hour	90p	10p
" "	2 hours	£1.60	-
" "	3 hours	£2.20	-
" "	4 hours	£3.20	-
<b>Buckhurst 2 &amp; Pembroke Road</b>			
Long stay	all day	£4.20	-
Season tickets	year	£819	-
<b>SEVENOAKS STATION</b>			
Long stay	all day	£6.20	30p
Season tickets:			
Bradbourne	year	£1,050	£10
Sennocke	year	£1,090	£10
<b>SEVENOAKS ST JOHNS HILL</b>			
Short stay	30 minute	20p	-
" "	1 hour	40p	-
" "	2 hours	60p	-
" "	3-4 hours	£1.00	-
Long stay	all day	£2.90	-
<b>SWANLEY</b>			
Short stay	30 minute	20p	-
" "	1 hour	40p	-
" "	2 hours	60p	-
" "	3-4 hours	£1.00	-
Long stay	all day	£3.70	-
<b>WESTERHAM</b>			
Short stay	30 minute	20p	-
" "	1 hour	40p	-
" "	2 hours	60p	-
" "	3-4 hours	£1.00	-
Long stay	all day	£2.90	-

The motion was put to the vote and CARRIED.

# Agenda Item 1

## Environment Select Committee - 23 October 2012

In considering the issue of free Christmas parking, a Councillor reported that anecdotal reports from traders suggested that this initiative did not increase footfall in the shops. The Chairman suggested that this initiative was the District Council's way of saying "Happy Christmas".

The Chairman proposed that free parking throughout the District be offered on Saturday 15<sup>th</sup> December and Saturday 22<sup>nd</sup> December.

Following a vote the motion was CARRIED.

Resolved: That the following recommendations be forwarded to Cabinet for consideration:

- (a) free parking throughout the District be offered on Saturday 15<sup>th</sup> December and Saturday 22<sup>nd</sup> December;
- (b) all on-street parking charges for 30 minute short stay parking be raised from 10p to 20p; and
- (c) car park charges for 2012/14 be increased by the following amounts:

SEVENOAKS TOWN CENTRE - Blighs		Proposed Increase
Short stay	30 minute	20p
" "	1 hour	20p
" "	2 hours	20p
" "	3 hours	40p
<b>Buckhurst 1, Buckhurst 2, South Park, Suffolk Way &amp; Pemboke Road</b>		
Short stay	1 hour	10p
" "	2 hours	-
" "	3 hours	-
" "	4 hours	-
<b>Buckhurst 2 &amp; Pembroke Road</b>		
Long stay	all day	-
Season tickets	year	-
<b>SEVENOAKS STATION</b>		
Long stay	all day	30p
Season tickets:		
Bradbourne	year	£10
Sennocke	year	£10
<b>SEVENOAKS ST JOHNS HILL</b>		
Short stay	30 minute	-
" "	1 hour	-
" "	2 hours	-
" "	3-4 hours	-



Long stay	all day	-
<b>SWANLEY</b>		
Short stay	30 minute	-
" "	1 hour	-
" "	2 hours	-
" "	3-4 hours	-
Long stay	all day	-
<b>WESTERHAM</b>		
Short stay	30 minute	-
" "	1 hour	-
" "	2 hours	-
" "	3-4 hours	-
Long stay	all day	-

25. 2013-14 Budget & Review of Service Plans

Members considered a report setting out proposals for updates to the 2013/14 budget within the existing framework of the 10 year budget and 4 year savings plan. The report presented some service changes that had been identified by managers and the changes needed to be considered before the budget for 2013/14 was finalised.

The Group Manager – Financial Services introduced the report and explained that consultation with the Select Committees was the second stage of the budget setting process. The Committee was informed that due to the uncertainties in the budget, specifically the Government settlement and levels of Council Tax, it was possible that further reports would be presented to the Select Committees in January asking Members for their ideas of where further savings could be achieved.

In response to a question about the use of barristers for planning appeals, the Finance Manager reported that if appellants instructed a barrister, Sevenoaks District Council would normally also instruct a barrister.

Resolved: That the views of the Committee be put forward to Cabinet at its meeting on 6<sup>th</sup> December 2012.

THE MEETING WAS CONCLUDED AT 9.10 pm

Chairman



**Formal Response from the Cabinet following matters referred by the Committee and/or requests from the Performance and Governance Committee**

(a) Edenbridge Conservation Area Appraisal and Management Plan (Cabinet 12.11.12 Minute 50)

The Portfolio Holder for Planning and Improvement introduced a report seeking Member support for a new Conservation Area Appraisal and Management Plan for Edenbridge. The new plan had been prepared to meet local Best Value performance requirements and as part of background work which would contribute to the Local Development Framework.

The Group Manager, Planning reported that careful consideration had been given to the boundaries of the Conservation Area and in terms of planning decisions, the impact on the setting of the Conservation Area could be taken into consideration during the planning process where development is proposed adjoining the Conservation Area..

Resolved: That the Edenbridge draft Conservation Area Appraisal and Management Plan, attached to the report as Appendices B (Appraisal and Management Plan) and C (Conservation Area Plan) be adopted as formal planning guidance.

(b) Annual Review of Car Parking Charges for 2012/14 and Christmas Parking 2012 (Cabinet 12.11.12 Minute 47)

The Portfolio Holder for the Cleaner and Greener Environment introduced the report and thanked the Environment Select Committee and Officers for working up the recommendations presented in the report. The increase in charges that were being proposed, 4.1% for car parks and 3.6% for on-street parking, met the budget plan increase for 2013/14 which was set at 3.5%. It was hoped that the proposed increases would cause as little pain as possible to the local traders.

The Portfolio Holder also recommended that free parking throughout the District be offered on Saturday 15<sup>th</sup> December and Saturday 22<sup>nd</sup> December and reported that all parking charges would be waived in all car parks and on-street parking areas in and around Sevenoaks town centre after 6pm on 30 November 2012 and in Westerham after 5pm on 29 November 2012 to support the annual events held for the switching-on of the Christmas lights.

Members noted that there was a low risk that any of the options considered would have an adverse impact on people with 'protected characteristics'. Free parking was offered for those with disabilities who held a Blue Badge and this remained unaffected by the proposals that were considered.

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In response to a question surrounding whether the impact of the proposed increases would be monitored the Parking and Amenities Manager reported that the use of the car parks was monitored on a monthly basis and this was an on-going process.

Resolved: that

- (a) free parking throughout the District be offered on Saturday 15<sup>th</sup> December and Saturday 22<sup>nd</sup> December;
- (b) on-street parking charges for 2013/14 be raised by the following amounts:

<b>SEVENOAKS TOWN CENTRE (High Street, London Road, South Park)</b>		<b>Proposed increase</b>
Short stay	30 minutes	10p
" "	1 hour	
" "	2 hours	
<b>SEVENOAKS TOWN COMMUTER AREAS (Plymouth Drive, Holly Bush Lane)</b>		
Short stay	30 minutes	10p
" "	1 hour	
" "	2 hours	
long stay	all day	
<b>SEVENOAKS RAIL COMMUTER AREAS (St Botolphs, Morewood Close)</b>		
Short stay	30 minutes	10p
" "	1 hour	
" "	2 hours	
" "	4 hours	
long stay	all day	
<b>SEVENOAKS COURT AREA (Morewood Close)</b>		
Short stay	30 minutes	10p
" "	1 hour	
" "	2 hours	

" "	4 hours	
<b>SWANLEY</b> (Azalea Drive, Goldsel Road)		
short stay	30 minutes	10p
" "	1 hour	
" "	2 hours	
" "	4 hours	
long stay	all day	
<b>WESTERHAM</b> (The Green, Market Square, Croydon Road)		
short stay	30 minutes	10p
" "	1 hour	
" "	2 hours	

(c) car park charges for 2013/14 be increased by the following amounts:

<b>SEVENOAKS TOWN CENTRE - Blighs</b>		<b>Proposed Increase</b>
Short stay	30 minute	20p
" "	1 hour	20p
" "	2 hours	20p
" "	3 hours	40p
<b>Buckhurst 1, Buckhurst 2, South Park, Suffolk Way &amp; Pemboke Road</b>		
Short stay	1 hour	10p
" "	2 hours	-
" "	3 hours	-
" "	4 hours	-
<b>Buckhurst 2 &amp; Pemboke Road</b>		
Long stay	all day	-
Season tickets	year	-
<b>SEVENOAKS STATION</b>		
Long stay	all day	30p

## Agenda Item 3

Season tickets:		
Bradbourne	year	£10
Sennocke	year	£10
<b>SEVENOAKS ST JOHNS HILL</b>		
Short stay	30 minute	-
" "	1 hour	-
" "	2 hours	-
" "	3-4 hours	-
Long stay	all day	-
<b>SWANLEY</b>		
Short stay	30 minute	-
" "	1 hour	-
" "	2 hours	-
" "	3-4 hours	-
Long stay	all day	-
<b>WESTERHAM</b>		
Short stay	30 minute	-
" "	1 hour	-
" "	2 hours	-
" "	3-4 hours	-
Long stay	all day	-

(c) 2013/14 Budget and Review of Service Plans (Cabinet 06.12.12 Minute 61)

The Portfolio Holder for Finance and Value for Money introduced a report setting out the progress made in preparing the 2013/14 budget and providing Members with an update on key financial information. The Cabinet would make its final recommendation on the budget at its meeting on 7<sup>th</sup> February 2013, after taking into account any updated information available at that date.

The Portfolio Holder for Finance and Value for Money reported that a list of growth and savings items resulting in net growth of £160,000 had been presented to the Select Committees who recommend that these items be included in the budget. Uncertainty over two major funding streams remained. Provisional Government Support figures were not expected until 19<sup>th</sup> December and the Council would need to decide on the level of

## Agenda Item 3

Council Tax for 2013/14 following the Government's announcement of another freeze grant being offered and a cap being set at 2%.

Due to these uncertainties, a further report will be presented to Cabinet in January which would hopefully contain a more complete picture including whether further savings would be required.

The Group Manager – Financial Services highlighted that whilst the Government settlement was not expected until 19<sup>th</sup> December, this date was by no means confirmed and there could be further delays in the process. There had been no further information as to what the reduction in funding was likely to be. Members noted that there was a statutory requirement for the budget to be set in February 2013.

In regard to Council Tax, from a financial perspective, the Group Manager – Financial Services stressed that it would be significantly advantageous if the Council Tax for 2013/14 was set close to the 2% cap instead of taking the grant being offered if it was frozen.

For the report to Cabinet in January 2013, Officers would update the 10-year budget with the settlement figure and any Council Tax decision as well as revisiting the other assumptions with any additional information that had become available. If a budget gap remained, difficult savings decisions would need to be made.

The Group Manager – Financial Services had sent an email to all Town and Parish Councils the previous week informing them of the effect of the Government changing their decision as to how the Council Tax Base was calculated for these authorities. The Government would be giving Sevenoaks District Council some funding to help address the effect on these councils which would be allocated proportionately based on the impact of the change to Council Tax Support.

The Chairman suggested that, as the Government grant became more marginal, Sevenoaks District Council would need to manoeuvre into a self-sustaining position in order to become less reliant on any future grant.

A Member suggested that the savings assumptions around partnership working be reviewed to ensure that they were realistic assumptions. Whilst acknowledging the point that was being made, the Chairman stressed that assumptions were constantly tested.

Members stressed the need to consider the £160,000 savings that the Council would need to make and the Chairman tasked each Portfolio Holder to have discussions around the options available before the Cabinet meeting in January.

Resolved: That

- (a) The comments and recommendations of the Select Committees as set out at Appendix E be noted;

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(b) Officers and Portfolio Holders be requested to investigate further proposed solutions for the £160,000 budget shortfall.



**ACTIONS FROM THE MEETING HELD ON 23 OCTOBER 2012**

<b>Action</b>	<b>Description</b>	<b>Status and last updated</b>	<b>Contact Officer</b>
ACTION 1	That information, regarding the census for the 8:04 from Uckfield and whether a new census had already been undertaken, received from Southern Railways be passed to the Edenbridge Rail Travellers Association.	Completed.	-

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**Environment Select Committee Work Plan 2012/13**

Topic	15 January 2013	19 March 2013	May 2013	September 2013	October 2013
<b>Planning Policy</b> (Alan Dyer)	Final Draft Community Infrastructure Levy	Gypsies and Travellers Plan			
<b>Development Control</b> (Alan Dyer)					
<b>Building Control</b> (Richard Wilson)					
<b>Street Scene &amp; Air Quality</b> (Richard Wilson)		Designated Zones for Air Quality Management			
<b>Transport (including parking)</b> (Richard Wilson)	Bus Companies				
<b>Economic Development and Tourism</b> (Lesley Bowles)					
<b>Budget</b> (Adrian Rowbotham)					

Topic	15 January 2013	19 March 2013	May 2013	September 2013	October 2013
Other					

Possible items to be considered in the future (for items not yet timetabled in):

- Conservation Area Appraisals and Management Plans (ad hoc items)

**COMMUNITY INFRASTRUCTURE LEVY – DRAFT CHARGING SCHEDULE**

Environment Select Committee – 15 January 2013

Report of the: Deputy Chief Executive and Community and Planning Services Director

Status: For Consideration

Also considered by: LDF Advisory Group – 31 January 2013

Cabinet – 7 February 2013

Council – 19 February 2013

Key Decision: No

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**Executive Summary:** The Community Infrastructure Levy (CIL) is a new mechanism for securing contributions from developers towards the provision of infrastructure that is required to support development. In order to begin charging CIL, SDC must prepare a Charging Schedule, which will set out what developers will need to pay in £ per sq m of new buildings and any variations by area or type of development. Following consultation between June and August 2012, responses to the consultation have been reviewed and additional work on the evidence base has been undertaken.

A Draft Charging Schedule (Appendix A) has been prepared and it is proposed that this is put to full Council to agree in February 2013. It is recommended that the proposed residential charges remain at £75/m<sup>2</sup> and £125/m<sup>2</sup>, based on the same charge areas previously consulted on. Proposed charges for supermarkets and retail warehouses continue to be at £125/m<sup>2</sup> but on the basis of additional viability evidence it is proposed that other retail uses are not charged CIL. If agreed, the Draft Charging Schedule would be published for interested parties to comment on and would then be submitted for independent examination. If found sound, it is likely that the Council would be in a position to adopt the Charging Schedule in late 2013 / early 2014.

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This report supports the key aims of a green environment and safe and caring communities of the Community Plan

**Portfolio Holder** Cllr. Mrs Jill Davison

**Head of Service** Group Manager Planning – Alan Dyer

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**Recommendation to Full Council:**

- (a) That the Community Infrastructure Levy Draft Charging Schedule is agreed for publication and submission for independent examination.
  - (b) That the Portfolio Holder is authorised to agree minor presentational changes
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## Agenda Item 7

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and detailed amendments to the Charging Schedule to assist the clarity of the document.

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### **Reason for recommendation:**

To ensure that the Council is able to progress the CIL Charging Schedule in accordance with the Local Development Scheme and to continue to secure developer contributions for infrastructure.

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### **Introduction**

- 1 The Community Infrastructure Levy (CIL) is a new mechanism for securing contributions from developers towards the provision of infrastructure that is required to support development. In order to begin charging CIL, SDC must prepare a Charging Schedule, which will set out what developers will need to pay in £ per sq m of new buildings. Charges can be varied by area or type of development.
- 2 The Council consulted on a Preliminary Draft Charging Schedule between June and August 2012. Following this consultation, the Council has prepared and commissioned further evidence and considered the representations made during the consultation. As a result, some amendments have been made to the Draft Charging Schedule. If approved by Members, the Draft Charging Schedule would be published and submitted for examination. If found sound by an independent examiner, the Charging Schedule could be adopted by Sevenoaks District Council and CIL could be levied on developments granted planning permission after the charge comes into force.

### **Summary of Previous Consultation (Preliminary Draft Charging Schedule)**

#### Previously Proposed Charges

- 3 The Preliminary Draft Charging Schedule consultation document set out an initial proposal for the level that CIL could be set at. For residential development, these were £125/m<sup>2</sup> in some parts of the District and £75/m<sup>2</sup> in others (see Appendix A for the proposed areas). Retail was the only other form of development proposed to have a CIL charge levied on it. It was proposed that convenience stores of 280 sq m or more and retail warehouses would be charged £125/m<sup>2</sup> and all other retail development (in all A class uses) would be charged £50/m<sup>2</sup>.
- 4 These proposed charges were based on engagement with infrastructure providers and a CIL Viability Assessment, which, amongst other things, considered standard build costs, percentages of developers' profits, the impacts of the Council's affordable housing and sustainable construction policies and land values.
- 5 A nil charge was proposed for some uses, including offices, warehousing, hotels, residential care homes and agricultural buildings, because the Viability Assessment concluded that the development of units in those uses would be at a significant risk of not being viable if a CIL charge was to be levied.

#### Estimated Receipts

- 6 It was noted that the receipts that are generated by CIL are dependent on a number of factors, including:
- The amount of development that comes forward and where it occurs;
  - The amount of affordable housing (which is offered 100% relief from CIL) that is secured on development sites;
  - The size of dwellings built; and
  - The floorspace of existing buildings on development sites that have recently been in use (for 6 of the previous 12 months) as this is subtracted from the new floorspace to be developed when CIL is calculated.
- 7 As a very rough estimate, it was predicted that SDC may receive approximately £5-6 million over the period 2014 to 2026 (not adjusted for inflation).

### Infrastructure Requirements

- 8 A funding gap of approximately £24,000,000, before CIL receipts were taken into account, was identified against the cost of delivering infrastructure considered to be required by infrastructure providers. This included a scheme of approximately £13,000,000 for flood defence works in Edenbridge, proposed increases in primary and secondary school capacity in Sevenoaks District, transport schemes and leisure and community schemes proposed by SDC colleagues. The consultation document was clear that the list of schemes to be funded through CIL was purely indicative and stated that the Council did not have to definitively identify what CIL would be used to fund throughout the plan period in advance. This remains the case.

### **Representations on the Preliminary Draft Charging Schedule**

- 9 The following key points were raised during the consultation between June and August 2012:
- Some respondents objected to the proposal to charge £75/m<sup>2</sup> in some areas and £125/m<sup>2</sup> in others. This included some developers, who considered that the charge should be set at the lower level, and parish councils. Additionally, some parish councils suggested that different charging levels should be set at a more fine-grained level than wards. It should be noted that some parish councils supported the approach and more than half did not respond.
  - Some developers that responded suggested that the CIL charge would make the developments that they are undertaking, or are likely to undertake, unviable. Other developers did not object to the proposals.
  - Representatives of major supermarket companies objected to the proposal for different charges between large and small retail units.
  - Infrastructure providers stressed the need for their schemes to be funded through CIL to ensure that they are available to support development. Some town and parish councils proposed additional schemes for inclusion in the CIL Infrastructure Plan. Infrastructure providers also wanted to see a commitment to updating the Infrastructure Plan regularly.

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- Most respondents who commented supported the introduction of policies on payment in instalments. There was a more mixed response to the question on whether the Council should offer relief in exceptional circumstances and for investment developments by charities.

10 Summaries of each comment raised and a proposed response can be found in Appendix B.

### Proposed Draft Charging Schedule

11 It is proposed that the Council should publish for comment and then submit to independent examination a Charging Schedule with the following charges:

Development Type	Area A	Area B
Residential (C3 use class)	£125 per sq m	£75 per sq m
Supermarkets and superstores(1) primarily selling convenience goods(2)	£125 per sq m	
Retail warehousing(3)	£125 per sq m	
Other forms of development	£0 per sq m	

(1) Superstores/supermarkets are shopping destinations in their own right (of 500 sq m of sales floorspace or more) where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.

(2) Convenience goods: Food and non-alcoholic beverages, Tobacco, Alcoholic beverages (off-trade), Newspapers and periodicals, Non-durable household goods.

(3) Retail warehouses are large stores (of 500 sq m of sales floorspace or more) specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods, catering for mainly car-borne customers.

12 Areas A and B are set out on the map included within the Draft Charging Schedule (appendix A). These areas are the same as those proposed during the Preliminary Draft Charging Schedule consultation.

### Residential Charges

13 The CIL Viability Assessment concludes that in certain parts of the District a charge of no more than £75 per m<sup>2</sup> can be levied without putting development at significant risk of being non-viable. However, in other areas a charge of £125 per m<sup>2</sup> could be charged without making development non-viable. Wards have been categorised into areas that can sustain charges of £75 per m<sup>2</sup> and £125 per m<sup>2</sup>. Ward boundaries have been used because information on average house prices and average house prices per m<sup>2</sup> are readily available at that level. In reality, house prices will vary street by street or even by sides of street but it is not considered possible or to be in accordance with Government guidance to set charges on such a basis.



- 14 On the basis of the evidence available, it is considered that the two options open to the Council to achieve a sound charging schedule are:
- 1) To propose charges of £75 and £125 per m<sup>2</sup> for residential development based on ward boundaries as proposed by the CIL Viability Assessment.
  - 2) Propose a single charge of £75 per m<sup>2</sup> for residential development across the whole District.
- 15 Both schemes are considered to be technically sound, on the basis of evidence available, and each has distinct advantages and disadvantages. Whilst the two charge approach can lead to charging boundaries that do not relate to obvious distinctions in viability, such as between Eynsford and Farningham, it is forecast to allow SDC to levy approximately an additional £1 million over the period 2014-2026 (£5-6 million). The single charge approach would be more simplistic but would lead to less money being available to spend on infrastructure (£4-5 million). The two charge approach does not mean that less money will be available from SDC to spend on infrastructure in areas with lower charges as funds do not have to be spent in the area of the District in which they are collected. There is, therefore, a financial benefit of having the two charge approach for all areas which accommodate development. However, it is uncertain what impact this would have on the money passed to town and parish councils.
- 16 Given the significant infrastructure funding gap identified in the Draft Infrastructure Plan (see para 22, below), it is recommended that the two charge (£75 and £125 per m<sup>2</sup>) approach is taken forward in the Draft Charging Schedule in order to maximise the receipts. A comparison with sound charging schedules and proposed charges in neighbouring/nearby authorities is presented in Background Paper 6.
- 17 Following representations, further advice has been sought from the Council's viability consultants to consider whether housing for older people in Use Class C3 would be viable if it were to be subject to the proposed residential charges. It is not considered that any changes to the previously proposed charges are required, with it continuing to be proposed that this use is charged the same as 'regular' market housing.

### Retail Charges

- 18 The Preliminary Draft Charging Schedule proposed different charges for stores selling convenience goods of less than 280m<sup>2</sup> of sales floorspace and those of 280m<sup>2</sup> or more. As they have in Sevenoaks District, supermarket companies have objected to a split between large and small retail in Charging Schedules across the country. Recent examinations have confirmed that differentiating between different types of retail use is not prohibited by the CIL regulations, as the supermarket companies have claimed, subject to local authorities having sufficient evidence to justify the charge. Advice has been sought from the Council's viability consultants as to whether additional viability evidence is required on this issue. On the basis of this additional evidence, it is considered that requiring CIL on retail developments such as supermarkets and retail warehouses is sound and should be carried forward in the Draft Charging Schedule. However, following further evidence gathering, proposed definitions of

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these uses include thresholds of 500m<sup>2</sup> rather than 280m<sup>2</sup>, as previously proposed.

- 19 The Council's viability consultants were also asked to consider whether town centre comparison retail would be viable if a CIL charge were to be levied on it. Their assessment indicated that it would not. It is, therefore, proposed that retail developments other than supermarkets/superstores and retail warehouses are not charged CIL.

### Forecast Receipts

- 20 On the basis of the same assumptions previously considered (see para 6, above), it is still forecast that the proposed CIL charges will generate approximately £5-6 million over the period 2014 to 2026 to be spent on infrastructure to support development.

### Infrastructure Planning

- 21 A Draft Infrastructure Plan was published alongside the Preliminary Draft Charging Schedule to provide an indication of the schemes that may be required to support development. The Planning Policy Team has continued to engage with infrastructure providers, including KCC, SDC teams and town and parish councils, to identify schemes that they consider are necessary to support development and could be funded through CIL. A number of changes have been made to the Draft CIL Infrastructure Plan following the consultation on the Preliminary Draft Charging Schedule and on-going engagement, for example:
- Revising the proposed flood defence scheme in Edenbridge, including reducing the estimated funding gap from £13,000,000 to £3,500,000, on the basis of further engagement with the Environment Agency. This funding gap results from the identification of the EA's current preferred option, which it is estimated would cost approximately £4,500,000, and its estimate that approximately £1,000,000 could be available from Flood Defence Aid in Grant for the scheme;
  - Including a calculation of the financial contribution (approx. £1,250,000) needed to meet the needs of new pupils that would be required to travel out of the District to attend secondary schools, on the basis of further engagement with Kent County Council. KCC has not identified how this need will be met and this is an issue on which there will need to be on-going engagement, which may result in further changes to the funding gap. This is in addition to funding for additional school secondary places at existing schools in the District (which has been estimated to cost approx. £3,000,000); and
  - The addition of new schemes proposed by town and parish councils during the consultation period.
- 22 As a result of the changes that have been made, the identified funding gap has been reduced to approximately £19 million in the Draft Infrastructure Plan. The Draft Infrastructure Plan is 'Background Paper 3' to this report and a summary is provided in the 'Summary of Evidence and Proposals' document (appendix C).

Engagement on infrastructure projects will continue through the process of preparing the CIL Charging Schedule.

- 23 Suggestions of indicative projects that could be undertaken by SDC have previously been put forward by SDC teams. These include the possible redevelopment of Whiteoak Leisure Centre, providing community development services to integrate new residents into the District, outdoor gym facilities and new and/or improved Youth Zone vans and services. Unless these schemes are prioritised above all others, CIL will meet only a very limited percentage of the funding gap identified for SDC schemes.
- 24 The Council does not need to specify the projects on which it will spend CIL receipts at the outset. This can be determined on the basis of local priorities when receipts are received. The list of infrastructure projects previously identified in the Draft Infrastructure Plan should, therefore, only be treated as indicative. All schemes in the draft Infrastructure Plan have been categorised into:
- 'potential strategic schemes for CIL funding', which are those schemes considered to support the broad distribution of development proposed in the Core Strategy and have been used to identify the funding gap;
  - 'potential local schemes for CIL funding', which are those schemes that town and parish councils would like to see developed and are likely to be appropriate uses of the CIL receipts to be paid directly to them; and
  - 'other schemes', which are schemes where more information is required, a commitment from the responsible organisation is required, or the scheme is not an appropriate use of CIL.
- 25 The Council does, however, need to identify the types of infrastructure that it expects to fund through CIL and that which it expects to continue to seek contributions for / provision of through planning obligations / s106 agreements, following changes to Government guidance in December 2012. This is intended to ensure that developers are able to identify how each approach will be used and that they will not be charged twice for the same infrastructure. Only draft lists need to be provided at this stage and the Council is able to identify broad categories of infrastructure rather than specific projects. The following are the proposed lists:
- To be funded through CIL (not in order of priority):
- Transport schemes except for site-specific access improvements;
  - Flood Defence schemes;
  - Water quality schemes;
  - Schools;
  - Health and social care facilities;
  - Police and emergency services facilities;
  - Community facilities;
  - Green infrastructure except for site-specific improvements or mitigation measures; and
  - CIL administration.

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To be funded/secured through s106 agreements/planning obligations (not in order of priority):

- Site specific access improvements (these could also be secured through s278 of the Highways Act 1980 in some circumstances);
- On-site open space, for example children's play areas;
- Site specific green infrastructure, including biodiversity mitigation and improvement;
- On-site crime reduction and emergency services infrastructure, for example CCTV or fire hydrants; and
- Site specific Public Rights of Way diversions or impact mitigation.

- 26 The Government's view is that the Community Infrastructure Levy should support and incentivise new development by placing control over a 'meaningful proportion' of the funds raised with the town/parish council where development takes place. The Government is still to publish revised regulations to introduce this. It is now expected that these regulations will be published in 2013. It is not necessary to delay the submission of the Charging Schedule until these are published.

### Implementation

- 27 The June 2012 consultation document sought views from stakeholders on a number of the issues that the Council will need to address in implementing CIL. This included consultation questions on whether the Council should offer relief from CIL in exceptional circumstances, for investment developments by charities (as opposed to development of facilities to be used for charitable purposes, which are already exempt) and whether it should introduce an instalments policy. Policies on these issues do not need to be set out at the time that the Council adopts the Charging Schedule and do not need to be subject to Examination. It is, therefore, recommended that the Council continues to keep these issues under review, as more authorities implement charging schedules, and that a final decision is not made on these issues at this stage.
- 28 However, on the basis of an initial review of the legislation, it is considered that there will be little benefit in offering relief in exceptional circumstances. This is due to the fact that there are stringent regulations governing when this relief can be offered and it is for the Council to ensure that any exemption is compliant with EU State Aid legislation. The offer of exemptions in exceptional circumstances is not comparable with the flexibility and negotiation that is available on the Core Strategy affordable housing policy (SP3) and it is anticipated that any policy that was introduced will be applied very rarely, if at all.
- 29 Exemptions for investment development by charities are unlikely to be required in Sevenoaks District as only residential and retail development will be liable to pay CIL under the proposed Charging Schedule and affordable housing is already offered 100% relief. It is considered that the infrastructure requirements resulting from the development of any market dwellings should be met, regardless of whether they are built by a charity. It is unlikely that a charity would undertake a major new retail development, as opposed to occupying a small existing but vacant unit, which would not be liable to pay CIL. It is, therefore, considered

unlikely that a policy on offering relief for investment developments by charities will be required.

- 30 It is proposed that an instalment policy should be prepared to assist developers' cash flows and improve the viability of schemes.
- 31 The Planning Policy team is preparing an implementation plan that will help to explain the process of calculating and charging to developers, landowners, stakeholders, Council Officers and Members and the public. This will address issues such as monitoring processes and the prioritisation of infrastructure schemes. The implementation plan requires the involvement of a number of Council teams and will be brought to Members prior to the adoption of the CIL Charging Schedule.

### **Timetable**

- 32 The anticipated timescale for preparing the CIL Charging Schedule is as follows:

Consultation on draft Charging Schedule	March 2013 – April 2013
Submission of draft Charging Schedule for Examination	May 2013
Examination of draft Charging Schedule	Autumn 2013
Adoption of Charging Schedule	Early 2014

### **Other Options Considered and/or Rejected**

- 33 The Council could choose not to prepare a CIL Charging Schedule. However, this is likely to lead to less funding being secured for infrastructure required to support development. The Council would need to rely on using planning obligations, which will have a more limited scope for securing contributions towards infrastructure after April 2014.
- 34 The Council could choose to propose a higher or lower CIL Charge, including £75 per m<sup>2</sup> for residential across the District. However, the proposed charge is based on evidence that it would not make the scale of development proposed in the Core Strategy unviable. There is a significant risk that a higher CIL charge would be found unsound by an independent Examiner. A lower charge, including a standard rate across the District, would mean that less money would be available to be spent on infrastructure to support development.

### **Key Implications**

#### Financial

- 35 Budgetary provision has been made for the cost involved in preparing the Community Infrastructure Levy through the LDF budget. The CIL Regulations allow for the Council to use receipts secured through CIL to pay for its administration.

#### Community Impact and Outcomes

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- 36 The CIL Charging Schedule will assist the Council in securing contributions from developers to the provision of infrastructure required to support development.

### Legal, Human Rights etc.

- 37 The Draft Charging Schedule (included in the consultation document) will be consulted upon and submitted for examination in accordance with the relevant legislation and national policy.

### Equality Impacts

- 38 An Equality Impact Assessment of the CIL Charging Schedule has been carried out. It is set out as 'Background Paper 4' to this report.

### Sustainability Checklist

- 39 The adoption of a CIL Charging Schedule will ensure that the Council can implement Core Strategy Policy SP9, which aims to ensure that development is supported by sufficient infrastructure. This is important in ensuring that development comes forward in a sustainable manner. CIL Charging Schedules do not need to be subject to a formal Sustainability Appraisal.

### **Conclusions**

- 40 The Draft Charging Schedule is considered to be based on a robust evidence base that shows that the proposed CIL charges are viable and required to provide infrastructure to support development. It has been produced following consultation with local stakeholders. It is recommended that the Charging Schedule is published and submitted for independent examination.

### **Risk Assessment Statement**

- 41 The Draft Charging Schedule has been prepared in accordance with national policy and legislation.
- 42 If the Draft Charging Schedule is not approved then the Council will not be able to prepare the Charging Schedule in accordance with the Local Development Scheme. This may lead to it being adopted after the restrictions on the pooling of planning obligations come into force (April 2014), which would mean that contributions from some developments towards necessary infrastructure would not be able to be secured during this time.

### **Appendices**

Appendix A – CIL: Preliminary Draft Charging Schedule: Consultation Document

Appendix B – Representations on the Draft Charging Schedule and proposed SDC response.

Appendix C – Summary of Evidence and Proposals

### **Background Papers:**

1. CIL Viability Assessment Report

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2. CIL Viability Assessment Addendum
3. Draft CIL Infrastructure Plan
4. Equality Impact Assessment
5. An Introduction to the Community Infrastructure Levy
6. Comparison with sound charging schedules and neighbouring/nearby authorities (December 2012).

**Contact Officer(s):**

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Kristen Paterson

Deputy Chief Executive and Community and Planning Services Director

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**COMMUNITY INFRASTRUCTURE LEVY:**

**DRAFT CHARGING SCHEDULE:**

**February 2013**

## Agenda Item 7

### Consultation

Once adopted, the Community Infrastructure Charging Schedule will set out a standard rate that developers will need to pay when undertaking different types of development in different parts of the District. Funds collected through CIL must be spent on infrastructure required to support development of the area.

An explanatory document has been published alongside this Charging Schedule but this will not form part of the Council's formally submitted document.

The consultation is carried out in accordance with regulation 16 of the Community Infrastructure Levy Regulations 2010, as amended.

### Statement of the Representations Procedure

This document was published on XX/XX/XX. Comments should be made before 5pm on XX/XX/XX. Comments should be submitted via the Council's consultation web-portal, by email to [ldf.consultation@sevenoaks.gov.uk](mailto:ldf.consultation@sevenoaks.gov.uk) or in writing to:

Planning Policy  
Sevenoaks District Council  
Argyle Road  
Sevenoaks  
TN13 1HG

Representations on the Draft Charging Schedule will be made available to the person appointed to examine the soundness of the Charging Schedule during an independent examination. Persons making representations may request the right to be heard by an examiner.

Persons making representation may also be accompanied by a request to be notified at a specified address of:

- The draft charging schedule being submitted to the examiner;
- The publication of the recommendations of the examiner and the reasons for those recommendations;
- The approval of the charging schedule by the charging authority.

The Council's timetable for producing an adopted CIL Charging Schedule is:

Consultation on draft Charging Schedule ends	April 2013
Submission of draft Charging Schedule for Examination	April/May 2013
Examination of draft Charging Schedule	August/September 2013
Adoption of Charging Schedule	Early 2014

### Background

Sevenoaks District Council's Community Infrastructure Levy Draft Charging Schedule is subject to consultation between X March 2013 and X April 2013. Views expressed on the Draft Charging Schedule will be made available to the person appointed to examine the soundness of the Charging Schedule during an examination.

### Charging Authority

The Charging Authority will be Sevenoaks District Council.

### Date of Approval

It is anticipated that the Charging Schedule will be subject to independent examination in summer/autumn 2013 and adopted in late 2013 or early 2014.

### Date of Effect

It is anticipated that the Charging Schedule will come into effect in late 2013 / early 2014.

### Statutory Compliance

The draft Charging Schedule has been prepared in accordance with the Community Infrastructure Levy Regulations 2010, Part 11 of the Planning Act 2008 and statutory guidance in 'Community Infrastructure Levy: Guidance' (CLG, 2012).

In accordance with Regulation 14, in setting the CIL rate the Council has aimed to strike what it considers to be an appropriate balance between

- the desirability of funding from CIL (in whole or part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and
- the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.

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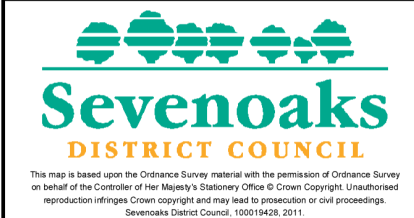
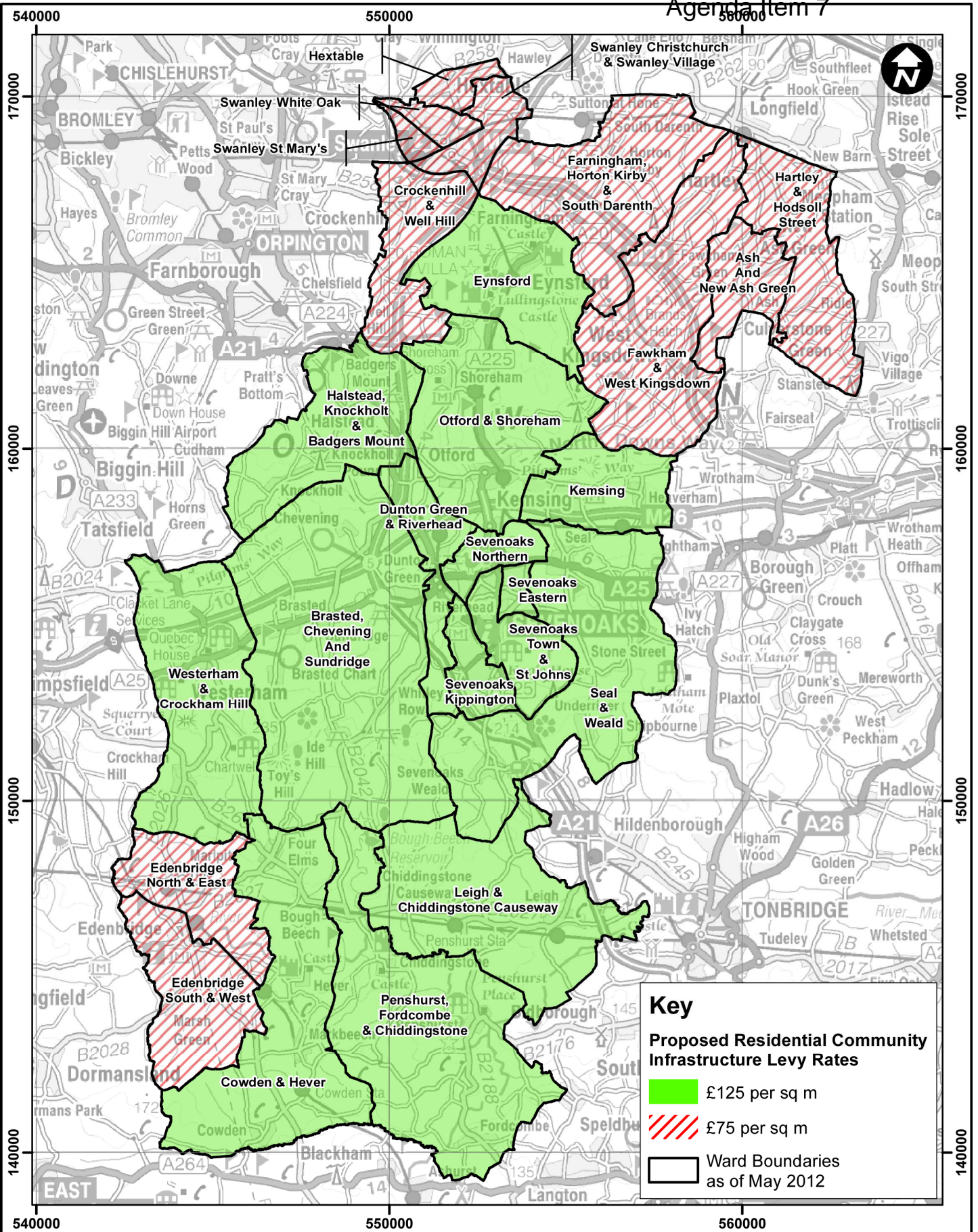
### The CIL Rate

Developers will be liable to pay the following CIL rates in Sevenoaks District, subject to any exemptions, relief or reductions that may be available under the CIL regulations or local discretionary exemptions:

Development Type	Area A	Area B
Residential (C3 use class)	£125 per m <sup>2</sup>	£75 per m <sup>2</sup>
Supermarkets and superstores(1) primarily selling convenience goods(2)	£125 per m <sup>2</sup>	
Retail warehousing(3)	£125 per m <sup>2</sup>	
Other forms of development	£0 per m <sup>2</sup>	

- (1) Superstores/supermarkets are shopping destinations in their own right (of 500 sq m of sales floorspace or more) where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.
- (2) Convenience goods: Food and non-alcoholic beverages, Tobacco, Alcoholic beverages (off-trade), Newspapers and periodicals, Non-durable household goods.
- (3) Retail warehouses are large stores (of 500 sq m of sales floorspace or more) specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods, catering for mainly car-borne customers.

Areas A and B are set out on the map, below



Proposed Residential Community Infrastructure Levy Rates

Sevenoaks District Council

Scale: 1:140,000  
Date: May 2012

Preliminary Draft CIL Charging Schedule: Proposed Residential Community Infrastructure Levy Rates

Produced by the GIS Team, Sevenoaks District Council

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Calculating how much CIL developers will pay.

### Calculating the Charge

SDC will calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with regulation 40 of the Community Infrastructure Levy Regulations 2010, as amended in 2011.

### Inflation

Under Regulation 40, the CIL rate will be index linked with the Royal Institute of Chartered Surveyors “All In Tender Price Index”.

The current All In Tender Price Index is (to be set out at time of adoption).

### Existing Floorspace on a Development Site

Regulation 40 provides that the total floorspace of any existing buildings on a development site should be subtracted from the floorspace of the chargeable development, where the existing buildings have been in use for at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.

### Exemptions and Relief

The following forms of development are exempt from paying CIL:

- buildings into which people do not normally go, or go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (Reg 6); and
- developments of under 100 sq m that do not result in the creation of 1 or more additional dwellings (Reg 42);
- development by a charity where the development will be used wholly or mainly for charitable purposes (Reg 43).

The following types of development are able to apply for relief from paying CIL:

- social housing (Reg. 48, 49, 50, 51, 52, 53, 54).

In addition, the Council has the option to offer discretionary relief for

- development by a charity where the profits of the development will be used for charitable purposes (Regs. 44, 45, 46, 47, 48); and
- exceptional circumstances (Regs. 55, 56, 57, 58)

The Council’s policy on whether discretionary relief is offered will be set out in a separate policy document, in accordance with the relevant regulations.

Respondent Name	Comment ID	Officer's Summary	SDC Proposed Response
<b>Background</b>			
Wealden Homes	CILPD3	It needs to be made clear that the taxable space is net internal area. Only useable space should be subject to taxation and that the RICS document 'Code of Measuring Practice' be referenced to determine this. The document needs to clarify how fractions of m2 are rounded. Allowing existing floorspace that has recently been in use to be discounted from the CIL charge is detrimental to bringing forward brownfield land where the site has not been in use for several years. We strongly contend that the existing floorspace should be used for 'netting off' notwithstanding when the site was lost in a particular use. Such an approach would aid the delivery of brownfield sites but as discussed the legislation does not allow for this. There is a need to highlight and emphasise the fact that the CIL figures are subject to indexation and the index also needs to be referenced. Detailed changes to paragraphs 2.4, 2.5 and 2.9 are suggested.	The approach to measuring internal areas for the purposes of calculating CIL will be set out in an Implementation Plan, which it is proposed will be published alongside the adopted CIL Charging Schedule, or before. The restrictions regarding when the floorspace of existing buildings on a site can be subtracted from the proposed new floorspace are set out in the CIL Regulations 2010. This is not an issue over which the Council has local discretion. Detailed changes are noted and will be taken into account in preparing the Draft Charging Schedule and supporting documents.
Armstrong (Kent) LLP C/O CBRE	CILPD67	AK LLP suggests that the District Council reflect any amendments to the CIL Regulations in the next iteration of its CIL Charging Schedule (i.e. Draft Charging Schedule) which is anticipated to be published for a period of public consultation in December 2012/January 2013.	Noted. The impact of any changes in CIL Regulations will be assessed and the need for changes to the Charging Schedule considered.
Kent Police	CILPD49	No comment	Noted.
Brasted Parish Council; Edenbridge Town Council; Swanley Town Council	CILPD27 CILPD17 CILPD8	The Core Strategy provides an appropriate basis for the preparation of CIL and the interpretation of the legislative and national policy context is correct.	Noted and welcomed
Crockenhill Parish Council	CILPD75	It is not clear how Neighbourhood Plans will be taken into account. Whilst these will sit below and therefore will not be in conflict with the Core Strategy, they will refine the general strategy and will provide detail for future development.	Neighbourhood plans form part of the development plan. There is an opportunity for town and parish councils to identify infrastructure to be funded as a result of development in their neighbourhood plans.
Kent County Council	CILPD105	The Core Strategy and emerging LDF documents provide an appropriate basis for preparing a Charging Schedule, together with other evidence provided to SDC, and flexibility in response to new development proposals that may come forward.	Noted and welcomed

Kent Police	CILPD50	<p>Whilst Kent Police would not seek to be considered for any contributions based upon the current planned growth of housing within the SDC area should this number increase significantly then that situation would change in order to cover the cost of necessary infrastructure growth as a direct result of the developments. As such SDC should include reference to required reviews.</p> <p>The reference to infrastructure is too restricted and does not take in to account the requirements of the NPPF to set out strategic priorities which should include, amongst other matters, 'provision of health, security, community and cultural infrastructure and other local facilities'.</p>	Noted. Infrastructure plans for CIL can be reviewed regularly. The list of types of infrastructure in this section is taken from the Planning Act (as amended by the CIL Regulations). It is noted that this list is not definitive.
Kent Wildlife Trust	CILPD99	We agree with the criteria regarding the types of development that would be exempt from paying CIL contained within Paragraph 2.2.	Noted.
McCarthy and Stone Retirement Lifestyles Ltd	CILPD39	Owner occupier retirement housing has not been adequately considered as part of the background research into the Core Strategy. The ageing of society poses one of our greatest housing challenges. The Government has recognised this and has set out its aims and objectives of providing more specialised housing for older people in 'A National Strategy for Housing in an Ageing Society- Lifetime Homes, Lifetime Neighbourhoods'. The National Strategy identifies the important role the planning system has in delivering housing choice for older people. The Community Infrastructure Levy should take account of this.	The views of McCarthy and Stone are noted. However, even if the Council were to agree with this point, it is not considered that this is an issue that the CIL Charging Schedule can address.
Sevenoaks Town Council	CILPD87	The Town Council notes that it did not support the housing density set for the Sevenoaks Area, and continues to consider it excessive, and the business density element deficient.	Noted.
<b>Infrastructure Requirements and Use of CIL Receipts</b>			
Natural England	CILPD63	<p>CIL is an important means of delivering biodiversity and green infrastructure networks. In the absence of a CIL funded approach to enhancing the natural environment, we would be concerned that the only enhancements would be ad hoc, plan would fail to deliver a strategic approach, and as such may not be consistent with the NPPF.</p> <p>Potential infrastructure requirements may include access to natural greenspace; allotment provision; infrastructure identified in the local Rights of Way Improvement Plan; infrastructure identified by any Local Nature Partnerships and or BAP projects; infrastructure identified by any AONB management plans; infrastructure identified by any Green infrastructure strategies; other community aspirations or other green infrastructure projects (e.g. street tree planting); infrastructure identified to deliver climate</p>	The Council's CIL Infrastructure Plan includes green infrastructure schemes, such as improvements to Kent Wildlife Trust's nature reserves, provision of new allotments in certain areas and outdoor green gyms in Sevenoaks, Swanley and Edenbridge. The infrastructure that CIL funding will be spent on does not need to be identified at the outset and SDC will consider the merits of funding additional green infrastructure schemes proposed by the relevant bodies.



		change mitigation and adaptation; and any infrastructure requirements needed to ensure that the Local Plan is Habitats Regulation Assessment compliant.	
Edenbridge Town Council	CILPD24	Concern at the proposal from the Environment Agency to invest 11,000,000 in a flood defence scheme for Edenbridge. A number of various options are available and some of the schemes may well be unacceptable to the residents of the town. It is also concerned that this will tie up all the CIL available for this area.	The Council has undertaken further engagement with the Environment Agency. It is now advising that a scheme with a funding gap of £3.5m is currently considered to be the most cost-effective option. It is unlikely that CIL will meet this funding gap in full as the Council will need to consider other infrastructure requirements resulting from development in Edenbridge.
Eynsford Parish Council	CILPD37	Support the intention to place control over a 'meaningful proportion' of CIL in the hands of town and parish councils.	Support noted. Amended CIL Regulations to introduce this are still awaited from Government.
Sevenoaks Cycle Forum	CILPD7	Sevenoaks Cycle Forum welcomes the commitment on Page 11 to using the CIL process to advance the district Cycle Strategy. This marks a shift towards the promotion of cycling and walking as sustainable means of transport, which has been sadly lacking in the approach to major developments in recent years.	Support noted.
Southern Water	CILPD25	Southern Water supports paragraph 3.9 which explains that the CIL is not suitable for securing contributions from developers towards water, sewerage and sewage disposal infrastructure. Southern Water seeks developer contributions towards local on-site and off-site water and wastewater infrastructure required to service individual sites. It is important that this is recognised in documents that discuss developer contributions, as it will add to the cost of the development and impact on viability. As water and sewerage infrastructure falls outside the CIL and S106 Planning Obligations, we look to the planning authority to support connection off-site in planning policies, and subsequently in planning conditions attached to planning permissions.	Noted.
Planning Potential Ltd	CILPD74	Questions that the population in the District will remain static over the period of 2010 to 2026. Question whether or not the Council have assessed this detail appropriately in their evidence base.	The population forecasts referred to in the document are Kent County Council's Strategy-Based Forecasts. Forecasts should only be treated as indicative for the whole of the District Council area.
Brasted Parish Council	CILPD28	Brasted Parish Council agrees with Q3-5 and is pleased to note the inclusion of funding for a refurbished playground in Appendix B: Potential local schemes for CIL funding and Appendix C: Other proposed schemes.	Noted.

Crockenhill Parish Council	CILPD76	Whilst CIL monies maybe used for revenue in all provision of facilities and services the issue is the revenue costs and how these will be found which often prevents the development of the provision. An annual review of the list of infrastructure schemes should be applied to ensure needs have not changed.	CIL can be used to cover revenue costs but it is likely to also be necessary to consider other sources of funding. Schemes to be funded through CIL will be regularly reviewed.
Edenbridge Town Council	CILPD18	Railway bridge widening for HGV access to Edenbridge from the North is also needed to support development. A list of infrastructure to be funded through CIL should be published. Flood defences in Edenbridge should be a priority for the use of CIL.	Support for Railway Bridge widening has been added to the list of schemes in appendix C of the CIL Infrastructure Plan. Schemes to be funded through CIL will be regularly reviewed. Support for flood defences in Edenbridge noted.
Environmental Agency	CILPD94	The document should refer to 'green infrastructure' instead of 'open space'. This should include rivers, streams and wetlands in the District as well as other open spaces. Improvements to still water and river fisheries, of which there are approximately 14 in the District, should be included. No funding is already committed for them but there are options for enhancements of the facilities e.g. for disabled anglers and of the aquatic environment for which CIL funding would be useful.	Further information on schemes to improve still water and river fisheries has been sought from the Environment Agency.
Environmental Agency	CILPD97	We are pleased to see the projects which were previously identified have been included in the Draft CIL Infrastructure plan.	Noted.
Eynsford Parish Council	CILPD36	Support the Council publishing a list of schemes to be funded through CIL. Prioritisation should be driven by the specific needs of the areas where the development is taking place.	Noted.
Hartley Parish Council	CILPD1	The following should be included as potential local schemes for CIL funding: 1) Refurbishment of Hartley Village Hall, Ash Road - To upgrade existing facilities - not yet costed 2) New Burial Ground - To provide additional burial spaces as current capacity is only approx 6 years - Cost £40,000. 3) Refurbishment of Woodland Avenue Recreation Ground - To upgrade the existing well used facility as existing equipment is dated and not stimulating or challenging for users - Cost £40,000. 4) Sewer improvements in Gorsewood Road - To improve the existing problematic sewerage system - not yet costed 5) Sewer improvements at Rectory Meadow - To improve the existing problematic sewerage system - not yet costed. 6) Sewer improvements at Northfield - To improve the existing problematic sewerage system - not yet costed.	Proposed schemes have been added to the CIL Infrastructure Plan (appendices B and C).

Highways Agency	CILPD68	Support the intention that the Infrastructure Delivery Plan will be a live list. The HA has no schemes planned for the area, other than the Managed Motorways scheme for M25 J5-7. However, the ability to add schemes made necessary, in whole or part, by development within Sevenoaks District will assist in ensuring that the Strategic Road Network (SRN) continues to serve its purpose.	Support noted.
Highways Agency	CILPD69	Where development would have a direct or indirect impact on the SRN, Department for Transport policy requires that there is sufficient certainty that the impact will be appropriately mitigated before planning permission may be granted. Consequently we would request that the Council in future iterations of its CIL framework makes clear that such works on or affecting the SRN will be suitably prioritised, funded and delivered in a timely manner.	Noted. To date the Highways Agency has not identified any schemes that require CIL funding to support development. Further consideration can be given to whether Highways Agency schemes required as a result of specific developments are best delivered through s106/s278 agreements than CIL.
Highways Agency	CILPD70	HA would welcome clarification as to how the Council intends to manage situations whereby contributions towards the cost of SRN improvements come feasibly from various sources including CIL and/or S106, given the regulations regarding avoiding double charging and the ending of the ability to pool S106 contributions from more than 5 sites permitted since 6 April 2010.	To date the Highways Agency has not identified any schemes that require CIL funding to support development. Further consideration can be given to whether Highways Agency schemes required as a result of specific developments are best delivered through s106/s278 agreements than CIL. Any infrastructure that needs to be funded through more than 5 financial contributions from developers will need to be funded through CIL.
Highways Agency	CILPD71	The Council should extend the commitment to keep strategic priorities under review to include working with relevant bodies such as the HA, in order to ensure that such infrastructure is appropriately prioritised, funded and delivered.	Schemes to be funded through CIL will be regularly reviewed. This will require consultation with relevant stakeholders.
Kent County Council	CILPD106	KCC welcomes the inclusion of Transport, Schools, Health Care, and Community Facilities among the types of infrastructure to be supported by CIL receipts, and the references to projects such as the Cycle Strategy. It would be helpful to include Family and Social Care facilities in the scope of Health Care. KCC believes that the projects for which it will seek CIL funding will be those that are necessary to support development and that it may not be possible or appropriate for development to proceed, particularly in the absence of proper provision for transport and local schools. KCC wishes to reach agreement with the District Council on a clear infrastructure plan for its services that support development, and the contribution that CIL receipts can make to their funding. Work is also in hand to examine the costs of	Support and commitment to on-going engagement welcomed. SDC officers have continued to discuss these issues with Kent County Council following the consultation.

		<p>increasing school capacity to ensure that the projects proposed are cost-effective.</p> <p>The largest funding gap identified at page 11 is for Open Space, Sport and Recreation. KCC also notes that the flood defences at Edenbridge may primarily protect existing development and as such would not be eligible for CIL funding (para. 5.3). KCC notes that the initial list of projects is not a robust assessment of the necessity of the schemes, and welcomes the suggestion that infrastructure providers may be asked to provide evidence to justify the release of funds if this ensures that CIL is used to support development as intended (para. 3.8).</p> <p>Circumstances may arise in which on- site provision of primary school capacity is appropriate, and KCC wishes to give further consideration with the District Council to the appropriate use of S106 obligations for its services in parallel with CIL charges, and the allocation of sites.</p> <p>Clearly other infrastructure needs may arise over time in response to the development that comes forward. KCC welcomes the District Council's intention to produce and keep up to date a Regulation 123 list of projects to be funded by CIL, and will assist in that as required (para. 3.14).</p>	
<p>Kent County Council</p>	<p>CILPD106</p>	<p>KCC welcomes reference to its population forecasts for planning infrastructure. However, its own approach to assessing the implications of new development for its services takes into account local changes in age structure and the capacity of local services. KCC therefore cautions against an over simple approach to the assessment of local service impacts.</p> <p>KCC provided a list of infrastructure expected to be needed for its services in May this year. However it is understood that the costs provided for the period 2007-11 were not included and these may need to be rolled forward into future years. These projects are a Sevenoaks Local Hub, a changing facility at Sevenoaks Local Hub, co-location with Health at Sevenoaks, a changing facility at White Oak, a changing facility at Gateway, Sevenoaks Integrated Dementia day care centre at Dunton Green.</p> <p>KCC wishes to discuss the estimate for new school provision to ensure there is no underestimate of the cost for Education.</p> <p>The infrastructure plan is based on there being no new schools and the costs are for the expansion of existing schools. In the information provided to the District Council on 9th May 2012 a value was included for secondary school capacity to reduce out-of-District movements by pupils resident in the area. KCC wishes to give further consideration to funding for secondary education capacity in South West Kent in so far as this is due to pressures from new development.</p>	<p>Additional Adult Social Services and Education schemes have been included within the CIL Infrastructure Plan (appendix A). SDC officers have continued to engage with KCC following the consultation and will continue to do so through the examination and implementation of CIL.</p>

Kent Police	CILPD51	<p>The list of schemes that are necessary to support development is appropriate but should growth significantly exceed current projection then off site infrastructure would be required in order to deliver safe and sustainable communities. Such infrastructure would include additional staff accommodation; additional custody accommodation/facilities for the increase in detainees and other matters. The document should acknowledge potential for changes to projected growth in the future and that such matters will be reviewed identifying that off site infrastructure may be required.</p> <p>Priorities will be dependent upon the development type, its location, design etc but if residents do not feel safe then they may not use local facilities. As such, perhaps on site crime reduction and emergency service infrastructure takes a priority over provision of open space/rights of way.</p>	Noted. Schemes to be funded through CIL will be regularly reviewed.
Kent Wildlife Trust	CILPD100	Within 3.11 the requirement for site specific infrastructure includes site specific biodiversity mitigation and improvement. We recommend that in line with the NPPF site specific green Infrastructure also be included within this section.	Para 3.11 of the consultation document will not be carried forward in the Draft Charging Schedule. However, this change has been made to the CIL Infrastructure Plan.
Kent Wildlife Trust	CILPD101	We welcome the inclusion of the provision of allotments and extensions to Wildlife Sites within the Draft Charging Schedule as these projects will provide an important contribution to the creation of a District wide Green Infrastructure along with other funding streams. Kent Wildlife Trust supports the aim to publish a list of infrastructure to be funded from CIL. In relation to biodiversity we recommend that specific projects are identified to ensure that CIL contributes to the network of Biodiversity Opportunity Areas identified within Figure 7 of the Core Strategy.	Support noted. The Council will consider the case for funding biodiversity improvement schemes that are promoted by organisations such as Kent Wildlife Trust.

Oxford Parish Council	CILPD35	<p>Additional Schemes:</p> <ol style="list-style-type: none"> <li>1. Build new primary school on outskirts of village with provision for staff cars</li> <li>2. Traffic Calming by use of Shared Space; delineated by block paving</li> <li>3. Building of retirement homes for long term aging Oxford population</li> <li>4. Development of green car park</li> <li>5. Creation of a toddlers' playground at Hale Lane</li> <li>6. Maintenance of existing toddlers' playground equipment in village centre</li> <li>7. Develop the Palace Tower and Palace Field as an historical asset</li> <li>8. Facilities to produce printed and audio materials for the audio and visually impaired</li> <li>9. Re-instate road and drains in Tudor Drive and Crescent</li> <li>10. Siting of VAS for speed reduction of incoming traffic to Oxford on the Shoreham Road</li> <li>11. Siting of a SID in Pilgrims Way East together with width and weight restriction signs</li> <li>12. Outdoor gym equipment i.e. Various keep fit equipment adjacent to a pathway around the outside of Oxford recreation ground</li> <li>13. Development of cycle ways around the village</li> <li>14. Acquisition of a youth centre</li> <li>15. Skate park and zip wire</li> </ol>	Proposed schemes have been added to the CIL Infrastructure Plan (appendices B and C).
Planning Potential Ltd	CILPD85	<p>Paragraph 3.8 suggests that the evidence base upon which the Council has made its decisions is based on an " ... initial period of consultation ... " and " ... not a robust assessment of the necessity of the schemes suggested ... "</p> <p>We would therefore question the findings and conclusions of the consultation document based on what is clearly not a robust evidence base, nor indeed, a definitive infrastructure scheme.</p>	It is not agreed that the CIL Charging Schedule is not based on a robust evidence base. However, it is not considered that the Council is required to identify infrastructure schemes to be funded through CIL with absolute certainty.

Sevenoaks Town Council	CILPD88	<p>A lack of deficit has been identified for museum spaces, galleries and performance art. The Town Council also notes a lack of Open Space and Green Infrastructure had been identified at a District and County level. The Town Council believes that the District Council should take a more holistic view of the infrastructure needed to support new development on an individual Town or Parish level.</p> <p>The Town Council supports the District's proposal to publish the list of infrastructure funded through CIL receipts, stressing the need for publication to be via a variety of media to maximise visibility. Any such list much be updated regularly.</p> <p>The Town Council believes that the priority for CIL funding should be infrastructure projects for which no other source of funding is available. CIL receipts should be used to fund infrastructure that increase community cohesion, and improves the economic and social stability of the area; not to make up a short fall in the funding of grey infrastructure which should be funded through existing Council tax receipts.</p>	<p>The Council will consider the case for funding museums, galleries and performance art schemes that are promoted to it by relevant organisations. A scheme to integrate new residents into existing communities is included in the CIL Infrastructure Plan. It is not considered to be in accordance with the CIL regulations to fund schemes through CIL that should be funded through Council Tax.</p>
Sport England	CILPD103	<p>Sport England is not aware of a robust evidence base for playing fields, sport and recreation (including built sports facilities) for Sevenoaks. It is not clear how this lack of evidence base has been/will be taken into account to develop this document.</p> <p>Sport England supports the identification of the need for on-site open space as part of a list of the types of infrastructure that will be funded through planning obligations, however, Sport England recommends that this bullet point is amended to read 'On-site open space, for example children's play areas and outdoor sports facilities'.</p> <p>However, as only outdoor sports facilities are included within the above list, Sport England objects to this as if planning obligations do not include indoor sports facilities there may be a lack of contributions collected towards the provision of such facilities.</p>	<p>Sevenoaks District Council published an Open Space, Sport and Recreation Study and an Indoor Sport and Recreation Facilities Study in 2009 to support the preparation of the LDF Core Strategy. A number of schemes identified in the CIL Infrastructure Plan, including the provision of allotments and outdoor green gyms and improvements to natural and semi natural green space would address a number of the deficiencies identified. SDC will continue to work with town and parish councils to identify deliverable schemes to meet identified deficiencies.</p>
Swanley Town Council	CILPD9	<p>The identified schemes are necessary although the Town Council would consider that the provision of additional allotments in Swanley is of lesser importance than the potential to consider improvements to areas affected by flooding such as Goldsel Road and Hilda May Avenue.</p> <p>The Town Council has identified the following projects be considered for Swanley:</p> <p>1) Swanley Park Utilities and Drainage improvements; To investigate the foul drainage from New Barn Road properties to include Swanley Park and the potential to link with the proposals of Hextable Parish Council to extend the mains foul sewer in College Road</p>	<p>Identified schemes have been included in appendix C of the CIL Infrastructure Plan. Schemes to be funded through CIL will be regularly reviewed. Swanley Town Council's views on priority infrastructure noted.</p>

		<p>2) To provide new play equipment in Swanley Parks; The Town Council's policy is to provide and encourage provision of larger play sites with sufficient play equipment and play value to service an area or neighbourhood, rather than small play areas in new build developments. This is due to the experience of such smaller play areas being more susceptible to vandalism and damage.</p> <p>3) Provision of surface drainage to Goldsel Road; Goldsel Road floods during heavy rainfall and requires full and proper investigation and an improved engineered solution with connection to storm water drains linking to the balancing pond at London Road. The site at Hilda May Avenue at the junction of London Road is also affected by flooding in heavy rainfall and the provision of surface drainage should also be considered here. Swanley Town Council supports the publication of a list of schemes to be funded through CIL, as the proposed list will initially be based on the infrastructure plan that will be prepared to support the submitted Charging Schedule and will be reviewed regularly. Community facilities and improvements to existing health care facilities should be the priority for CIL funding.</p>	
Westerham Town Council	CILPD57	<p>Parking provision to support local community centres is required as are better services for the elderly.</p> <p>It is agreed that a list of schemes to be funded through CIL should be published but this should not limit the projects which can be considered. If much of the spending is being used to improve services in and around Sevenoaks then Public Transport must be improved to benefit the outlying district communities. Also provision of better sports, recreation and youth facilities in hub towns Edenbridge and Westerham.</p>	Identified schemes have been included in appendix C of the CIL Infrastructure Plan. Schemes to be funded through CIL will be regularly reviewed. Westerham Town Council's views on priority infrastructure noted.
<b>Development Viability</b>			
Moat Homes Ltd	CILPD48	<p>Moat supports the aims within the viability assessment. We do agree with DSP's view that a simple tariff system is the way forward. The two tariff areas represent distinct markets. We believe that the tariff levels set seem reasonable and should not in themselves dampen new residential development.</p> <p>There are indeed difficulties in bringing forward residential development in the district, particularly because of its rural nature and the amount of Green Belt land. We sympathise with a view that one lower tariff rate should apply across the District. However, we do not see any areas of the district that require a lower CIL tariff rate to kick-start development and on balance feel the recommendations can be supported.</p>	Support noted and welcomed.



Chevening Parish Council	CILPD26	£125 per square metre charge is too high. There should be one charge for the whole district.	Given the scale of the infrastructure funding gap identified, it is considered that the proposed approach of charging £125/m <sup>2</sup> in certain areas and £75/m <sup>2</sup> in others, which the Viability Assessment has indicated is viable, should be taken forward in the Draft Charging Schedule, as a result of the additional receipts that are forecast.
Hextable Parish Council	CILPD16	There should only be one charge for the entire district. The lower charge proposed for some areas of the district could lead to inappropriate building in green belt areas.	Given the scale of the infrastructure funding gap identified, it is considered that the proposed approach of charging £125/m <sup>2</sup> in certain areas and £75/m <sup>2</sup> in others, which the Viability Assessment has indicated is viable, should be taken forward in the Draft Charging Schedule, as a result of the additional receipts that are forecast. It is not considered that a lower charge in one part of the District will lead to inappropriate building in Green Belt areas. Applications for development in the Green Belt will still need to be determined in accordance with national and local policies which prevent inappropriate development in the Green Belt unless there are very special circumstances.

Tatham Homes Ltd	CILPD15	<p>The proposed C.I.L. tax on new smaller residential development will prevent new development.</p> <p>All new development will take place on previously developed land due to the Green Belt restrictions on the majority of towns in the District. Future small scale residential development could only take place on existing residential sites as there is also a presumption against the use of employment land for residential development.</p> <p>If GRLV is less or equal to the existing value of the house on the site there is no point the owner selling the house for development. Even if there is a slight premium to be sought it would not be worth all the hassle in going through the planning process.</p> <p>This combined with the Affordable housing contributions already imposed would result in no new private housing, no new affordable housing and no contributions to C.I.L.</p> <p>If a home owner is just selling part of their garden for development and the land value received is not significant, they will likely not sell as they believe the Tax has just become too onerous and will likely wait until it is reverted.</p>	SDC considers that the CIL Viability Assessment provides a sound evidence base for preparing the CIL Charging Schedule. The Viability Assessment is based on a residual land value assessment which considers the types of development expected to come forward in Sevenoaks District. This includes the types of smaller sites (in terms of number of units) that may be developed through the sale of residential gardens. Amongst other things, it takes into account standard build rates in Sevenoaks District, a reasonable rate of developer's profit, the impacts of providing affordable housing in accordance with the Council's policies and assumed land values (which considers existing residential land values and existing PDL/Commercial values). The assessment identifies that there is scope for charges of £125 per sq m in some parts of the District and £75 per sq m in others based on gross development values.
Wealden Homes	CILPD4	<p>The 20% profit figure should read 'developers gross profit'. All references to profit levels should be 'gross'.</p> <p>Detailed wording / formatting changes to paragraphs 4.4 and 4.7 are proposed.</p>	Detailed changes are noted and will be taken into account in preparing the Draft Charging Schedule and supporting documents.
Brasted Parish Council	CILPD29	It is agreed that the viability study represents an appropriate basis for determining the level of CIL that would be viable in the District.	Noted and welcomed.
Crockenhill Parish Council	CILPD78	We are unable to comment upon the efficacy of the methodology and therefore have to assume this is a tried and tested method.	Noted.
Edenbridge Town Council	CILPD19	Surprised that large scale Care Homes are excluded for the requirement.	The viability appraisals from the CIL Viability Assessment calculated that generally across the District the value of completed care homes in C2 use would currently be insufficient to achieve a high enough land value, once standard build costs and other fees related to development are taken into account. It is recommended that this conclusion is reconsidered in a future review of the CIL Charging Schedule when market conditions may be different.
Kent County Council	CILPD107	KCC wishes to evaluate other Viability Assessments coming forward in Kent before forming a detailed view on this matter.	Noted.

Kent Police	CILPD52	No comment.	Noted.
Kent Wildlife Trust	CILPD102	Kent Wildlife Trust welcomes the proposed charges set out within the table in paragraph 4.7 of the CIL Charging Schedule. However we do have concerns regarding the exemption of hotels within the CIL Viability Assessment. Hotel visitors are likely to wish to explore the natural habitats within Sevenoaks and are therefore likely to have a deleterious impact on the natural habitat.	The viability appraisals from the CIL Viability Assessment calculated that generally across the District the value of completed hotels would currently be insufficient to achieve a high enough land value, once standard build costs (from BCIS) and other fees related to development are taken into account. It is recommended that this conclusion is reconsidered in a future review of the CIL Charging Schedule when market conditions may be different.
McCarthy and Stone Retirement Lifestyles Ltd	CILPD41	<p>The scenarios set out in the viability testing have not considered very important retirement housing and extra care developments in much detail, bearing in mind that this will become even more significant over the period of the Core Strategy. Nearly all types of retirement developments are impacted on financially by communal space and also a slower sales rate than other residential development. To apply a CIL rate based on 'pounds per square metre of gross internal floor space' would unreasonably penalise a retirement housing developer who would have a building of typically 70% net saleable area to acquire revenue from, compared to other forms of residential accommodation that would have 90-100% net saleable floor area to acquire revenue from.</p> <p>The viability report, which accompanied the proposed Schedule, makes a number of assumptions and generalisations when it comes to some of the inputs. It also acknowledges that some of these can be quite influential in the final figures derived at. The report does not provide the detailed viability appraisals themselves and what all assumptions and inputs have been used.</p> <p>In the case of retirement housing there is a much longer sales period which reflects the niche market and sales pattern of a typical retirement housing development. This has a significant knock on effect upon the final return on investment. This is particularly important with empty property costs, finance costs and sales and marketing which extend typically for a longer time period. Sales and marketing fees are typically in excess of 6%, for example, and increasing in the ever fragile housing market.</p>	The Council has commissioned additional viability appraisals on sheltered housing in C3 use. This indicates that the same charge should be applied to this use as is applied to other residential development in C3 use.
McCarthy and Stone Retirement Lifestyles Ltd	CILPD41	In the foreseeable economic climate 20 % developer profits may still not be enough incentive to achieve the required finance backing for a retirement scheme to proceed and the developer take on the risk of return. Similarly the incentives required to acquire land, particularly brownfield sites the type	20% developers profit is considered to be a reasonable average to apply in Viability Assessments and has been used in many of those completed to date. The CIL Viability Assessment Addendum

where sustainable uses such as retirement housing are best located, in the first place is likely to be 30%+ of current existing use market value. Retirement housing does not have the same impact upon open space, sports, recreation, education and strategic transport and should not be lumped in with the same CIL as family residential housing. Typically a retirement scheme will be located in a highly sustainable location very close to public transport, shops and services and will inevitably have a relatively large amount of floorspace reflecting its central location and yet will not have the same proportionate impact upon local infrastructure. Either the exceptions and reductions on levy are set out to respect this; it is explicitly set out as a separate charging cost; or retirement housing is acknowledged to have very similar viability implications and those falling within Class C3 are exempted in the same way as the Class C2 use are being proposed. It is considered that the chosen 'metric' of 'pounds per square metre of gross internal floor space' unfairly penalises my Client and other developers of similar retirement housing when assessed against other forms of residential accommodation. The oversimplification of the charging level by setting this at a uniform £125/£75per sq m across the board is seen as unduly harmful to specialised housing and care providers such as McCarthy and Stone, particularly when similar care /extra care developments (Class C2 uses) are exempted. Inadequate viability testing would appear to have been undertaken to cover this point.

considers retirement housing and extra care developments in C3 use in more detail. CIL charges can only be varied on the basis of viability rather than the infrastructure requirements of development.

Planning Potential Ltd	CILPD82	<p>We do question the effect of cross subsidisation of only charging for residential and retail, with all other forms of development being nil rated. The effect of this will undoubtedly mean that the entire infrastructure delivery schedule will be funded by developments in only the residential and retail sector.</p> <p>What we believe would be a more beneficial and fair approach is to apply a flat rate across the board and that the Council should determine (which they have already done although discussed in more detail below) the total infrastructure requirements in financial terms, then calculate the total gross floor space to be developed or delivered within the plan period, and then to divide one by the other providing a rate per sq m of development that takes place irrespective of its use classes. This will provide a fair and transparent approach to all uses whilst retaining viability.</p> <p>We also note that the viability assessment has assumed static levels of developers profit of any development, however it is not clear how flexible the approach may be taken to assumed profit level, through other funding regimes i.e.: (other than high street lenders), which may well be at higher rates.</p>	<p>The proposal to charge CIL on only retail and residential uses is based on viability evidence that suggests that other types of development that are likely to come forward during the Core Strategy period would not be viable if a CIL charge were to be applied to them. The approach proposed by Planning Potential is not considered to be consistent with the CIL Regulations and statutory guidance. 20% developers profit is considered to be a reasonable average to apply in Viability Assessments and has been used in many of those completed to date.</p>
Sevenoaks Town Council	CILPD89	<p>The Town Council believes that the CIL charge is based on inappropriate evidence as it has been based on relative affluence rather than infrastructure needs.</p>	<p>The approach is considered to be consistent with legislation and statutory guidance on the setting of CIL charges.</p>
Swanley Town Council	CILPD10	<p>The viability assessment has taken into account how the District Council's other policies impact on development viability and, therefore, represents an appropriate basis for determining the level of CIL that would be viable.</p>	<p>Noted and welcomed.</p>
Westerham Town Council	CILPD58	<p>The viability study is considered to represent an appropriate basis for determining the level of CIL in principle. However, it is questioned whether this is then fixed for the duration of the LDF plan and whether inflation is considered.</p>	<p>SDC will keep under consideration the need to review the CIL Charging Schedule. It does not need to be fixed for the duration of the LDF plan period. Inflation will automatically be applied to the CIL charge through changes in the RICS All In Tender Price Index.</p>
<b>Proposed CIL Charge</b>			
Berkeley Homes (Captial) PLC	CILPD34	<p>The conclusion that the viability of individual sites does not need to be considered assumes that the quantum of development required in the district will not be affected to any substantial degree by measures that will render individual development schemes unviable. In a district as constrained as Sevenoaks through the use of Green Belt and landscape policies the supply streams of housing are concentrated into the existing urban area. As a result, the plan-led delivery of growth is highly dependent</p>	<p>It is not possible to vary the level of CIL on the basis of costs associated with individual developments. CIL is intended to be set at a fixed level so that it offers greater certainty. SDC considers that the CIL Viability Assessment provides a sound evidence base for preparing the CIL Charging Schedule. The Viability Assessment is based on a residual land</p>

		<p>on a limited number of sites. A varied rate of CIL that reflects the costs associated with existing development sites should be considered. It is evident that the valuation of sites with different characteristics will not produce the same results. Accordingly, the lower valuation must be taken if viability is to be maintained across the board. The suggested approach with a flat rate across 2 geographical areas will be detrimental to the viability of individual development sites, especially in the higher rate locations. Although CIL may be only a small proportion of total costs, the viability of existing acquired sites has already been arrived at taking account of all factors. Changes to these however small relatively will alter profit margins. The introduction of CIL should not be applied to existing residential development sites at a rate that would exceed existing S106 contributions where such sites have been acquired for development by the house-building industry prior to the formulation and application of such considerations. This must therefore be at the lower rate. It is considered that the maximum level to be set across the district should be at the lower rate of £75 per sq m.</p>	<p>value assessment which considers the types of development expected to come forward in Sevenoaks District. Amongst other things, it takes into account standard build rates in Sevenoaks District, a reasonable rate of developer's profit, the impacts of providing affordable housing in accordance with the Council's policies and assumed land values (which considers existing residential land values and existing PDL/Commercial values). The assessment identifies that there is scope for charges of £125 per sq m in some parts of the District and £75 per sq m in others based on gross development values. CIL will not apply on existing sites that have been granted full planning permission and are built out in accordance with it.</p>
Armstrong (Kent) LLP C/O CBRE	CILPD64	<p>AK LLP considers that, having regard to the importance of retaining the future employment potential of QinetiQ following the relocation of DSTL and the costs of achieving a viable optimal planning balance between the constraints and opportunities of the Fort Halstead site, there is a need to examine the effects of imposing CIL on viability of development, having regard to the likely costs of the important Section 106 obligations needed to achieve the sustainable Fort Halstead vision. Failure to achieve this balance could result in a nationally unique site having no viable future, especially if QinetiQ decide to relocate their operations to an alternative site. AK LLP therefore suggest that the District Council should set a lower rate for all intended uses of development at Fort Halstead, to ensure the optimal planning balance between its continued sustainable use and the contribution that it is required to make towards the wider infrastructure costs of the District.</p>	<p>SDC considers that the CIL Viability Assessment provides a sound evidence base for preparing the CIL Charging Schedule. The Viability Assessment is based on a residual land value assessment which considers the types of development expected to come forward in Sevenoaks District. Amongst other things, it takes into account standard build rates in Sevenoaks District, a reasonable rate of developer's profit, the impacts of providing affordable housing in accordance with the Council's policies and assumed land values (which considers existing residential land values and existing PDL/Commercial values). The assessment identifies that there is scope for charges of £125 per sq m in some parts of the District and £75 per sq m in others based on gross development values. No alternative viability evidence has been put forward.</p>
Kent County Council	CILPD108	<p>KCC wishes to evaluate further evidence coming forward in Kent on viability before forming a detailed view on whether SDC's proposed charge represents an appropriate balance between the desirability of funding infrastructure and ensuring development remains viable.</p>	<p>Noted. The estimate for CIL receipts is considered to be reasonable based on the scale and type of development proposed in the Core Strategy. If more development were to come forward than proposed,</p>

		<p>KCC supports the need for different charges by area and use. The estimate for CIL receipts is considered to be conservative. KCC would welcome confirmation in the text that buildings for its community services are zero rated. KCC would also welcome confirmation in the text that a zero charge will be applied to eligible waste and mineral uses, for which it is the planning authority.</p>	<p>receipts would be higher but so would infrastructure costs. It is considered sufficiently clear that community service buildings and minerals and waste uses are zero rated.</p>
Shoreham Parish Council	CILPD40	<p>Shoreham Parish Council feels that there should be no CIL for development in the Green Belt as we feel it would not have the opportunity to be spent in the locality, particularly in areas such as Well Hill and East Hill. Shoreham Parish Council is not convinced the level is set correctly. They should be the same across the district.</p>	<p>Given the scale of the infrastructure funding gap identified, it is considered that the proposed approach of charging £125/m<sup>2</sup> in certain areas and £75/m<sup>2</sup> in others, which the Viability Assessment has indicated is viable, should be taken forward in the Draft Charging Schedule, as a result of the additional receipts that are forecast. Variations in the CIL charge need to be justified on the basis of viability evidence. No evidence has been provided to suggest that development in the Green Belt would not be viable if CIL were to be charged on it.</p>
Planning Potential Ltd	CILPD77	<p>Object to the approach taken by the Council in the charging schedule, to the somewhat disproportionate loading of the Community Infrastructure Levy (CIL) on only two limited classes of development that being large format retail uses, and residential development. We do not believe that the draft approach taken in the charging schedule achieves an appropriate balance between the desirability of funding the cost of infrastructure required to support development, and its potential effect on the viability of proposed development.</p> <p>The primary objection is to the Council's approach to set a differential rate between large format retail and small format retail development. It is quite clear to us that clause 13 (1) of the Community Infrastructure Regulations 2010 (as amended), provides that a charging authority may set differential rates from different zones in which development would be situated, and or by reference to different intended uses of development. Further, it would appear that only having undertaken fine-grained sampling, could it allow a differential rate within any particular use class to be based on size thresholds.</p> <p>It is quite clear to us that the Council should revisit their approach, as this is clearly contradicting the CIL Regulations by not having addressed this approach with the benefit of the fine-grained assessment.</p>	<p>The proposal to charge CIL on only retail and residential uses is based on viability evidence that suggests that other types of development that are likely to come forward during the Core Strategy period would not be viable if a CIL charge were to be applied to them. It is not agreed that the Community Infrastructure Levy Regulations prevent Charging Authorities from setting different charges for large and small format retail development. This approach has been found sound in examinations of adopted Charging Schedules. Further viability evidence has been prepared to support the Council's proposed approach.</p>

Brasted Parish Council	CILPD30	It is agreed that the proposed level of CIL represents an appropriate balance between the desirability of funding infrastructure through CIL and ensuring that development remains viable.	Noted and welcomed.
Crockenhill Parish Council	CILPD79	We can appreciate different levels of CIL are required given the extent of the differences of the cost of housing across the Council district. However, the different levels of CIL in the viability study are based on district wards. In our view this does not take account of the variations within wards. We would suggest that district ward boundaries are not a sufficiently detailed and that the Council may lose out if a more detailed approach is not applied.	Wards are considered to be a reasonable basis on which to differentiate between different levels of CIL charge, given that detailed information on house prices is readily available at that level. It is agreed that viability is very likely to vary within each ward. However, in reality viability may vary on a street by street basis. Setting different CIL levels on this basis would be very difficult and require a substantial amount of evidence.
Edenbridge Town Council	CILPD20	Support the proposed levels of CIL and the need to differentiate by use class and/or area.	Noted and welcomed.
Eynsford Parish Council	CILPD38	Support for different levels of charge by area and/or use.	Noted and welcomed.
Hartley Parish Council	CILPD2	Hartley Parish Council does not agree with the need for different CIL levels by area within the District, and considers that the charge should be the same throughout the District.	If a single charge were to be applied across the whole District then, on the basis of the CIL Viability Assessment, it would need to be set at £75 per sq m. SDC considers that the financial benefit of charging £125 per sq m in some areas outweighs the benefit of a consistent approach across the District.
Kent Police	CILPD53	No comment.	Noted.
McCarthy and Stone Retirement Lifestyles Ltd	CILPD44	It is noted from the CIL regulations when considering exemptions to CIL payment lists a set of criteria which includes that 'relief from CIL should be fair and not create undue distortions of competition'. This criterion is equally valid when considering the application of CIL to differing forms of development. It is my Client's belief that the current Schedule is neither fair, nor do they prevent distortions of competition, when applied to specialist forms of older persons accommodation such as retirement housing. It is requested that either specialist housing is treated the same as say a Class C2 use such as a care home or extra care housing which is given a nil contribution for very similar viability reasons or exception clauses are proposed.	The Council has commissioned additional viability appraisals on sheltered housing in C3 use. This indicates that the same charge should be applied to this use as is applied to other residential development in C3 use. The original CIL Viability Assessment report considered that generally across the District the value of completed care homes in C2 use would currently be insufficient to achieve a high enough land value, once standard build costs and other fees related to development are taken into account. On the basis of this evidence, it is not considered that the CIL Charging Schedule will distort competition between C2 care homes and C3 extra care housing.



Planning Potential Ltd	CILPD83	<p>The effect of placing a higher burdensome figure on the areas of which regeneration and development is to be directed (and supported) may indeed have the opposite effect of directing development to the lower tariff areas on viability grounds. Whilst we do not necessarily disagree with the principle of having different rates for different geographical areas, we wonder whether the difference between the two figures should be reduced so that the difference is not so burdensome.</p>	<p>It is not agreed that a 'higher burdensome figure' is placed on areas to which regeneration and development is to be directed. Development in Swanley, which is a key location for development in the Core Strategy, would be subject to the lower charge. The split between £75 per sq m and £125 per sq m is considered to be supported by viability evidence and to represent an appropriate balance between the need to fund infrastructure and ensure that development remains viable.</p>
Sainsbury's Supermarkets Ltd c/o WYG	CILPD104	<p>We are of the opinion that the regulations do not allow Councils to set differential sub-rates for the same intended use. There is no difference in the intended use of development between a small and large retail scheme. Both are retail uses. The basis of differentiating the same use on the definition of the Sunday Trading laws is flawed as, arguably, a shop of 279m<sup>2</sup>; has no discernibly different intended use from one of 281m<sup>2</sup>. Both developments would be proposed for retail use and it is artificial to pretend that there is any real difference between them simply by virtue of size. In addition, whilst Regulation 13 permits differentiation in relation to use, but does not refer to viability as being the justification for differentiation. If we are correct that Regulation 13 does not permit differentiation then, unless the Council is willing to prejudice development proposed in the development plan, it should adopt the lower CIL rate for all retail development.</p> <p>The retail warehousing scenario in the Viability Assessment unrealistically assumes that a 2,500m<sup>2</sup>; net supermarkets could be accommodated on a site of 0.81 hectares. On the basis of Sainsbury's standard formats, excluding a PFS, a circa 2 hectare site would be required to develop a 2,500m<sup>2</sup> net store. Furthermore, whilst miscellaneous fees of £126,100 for BREEAM have been added into the costing, this in our experience is significantly under estimated, especially when the Council's 2011 adopted Core Strategy requires all new commercial development, including Use Class A1, to reach Very Good standard. In addition, the increasing of this requirement to Excellent standard from 2013 will put additional pressures on developers and may burden investment.</p>	<p>It is not agreed that the Community Infrastructure Levy Regulations prevent Charging Authorities from setting different charges for large and small format retail development. This approach has been found sound in examinations of adopted Charging Schedules. Further viability evidence has been prepared to support the Council's proposed approach. Core Strategy Policy SP2 allows for some flexibility if it is not technically or financially feasible to meet the sustainable construction standard required.</p>

Sevenoaks Town Council	CILPD90	<p>The Town Council remains concerned that this charge may deter development in the area. The need to fund infrastructure must not come at the cost of making any development unviable. The impact on development in the area must be reviewed within a 1-2 year period from adoption, to determine whether development is being deterred by the introduction of this levy.</p> <p>The Town Council is concerned that the levy will skew development towards larger housing (of which there is an abundance in Sevenoaks), rather than the low cost housing that is needed in the area.</p> <p>The Town Council believes that office developments should be incorporated into the charging schedule, as they increase the burden on certain types of local infrastructure.</p> <p>The all-encompassing nature of the charges by area may disadvantage small contained areas of low affluence within the higher charging band. There is insufficient flexibility on viability of developments, which may discourage lower cost housing in Sevenoaks Town area, resulting in more local workers being priced out of the area.</p>	<p>The impact of the proposed charges on viability has been considered through the CIL Viability Assessment. It concludes that development would remain viable with the levels of CIL proposed. The Council is able to review the CIL Charging Schedule if it is clear that the charges are deterring development. The CIL charges will be applied on a £ per sq m basis. It is not, therefore, agreed that the levy will necessarily skew development towards larger housing. The CIL Viability Assessment suggests that new office developments would not be viable if they were to be charged CIL. The CIL charges are intended to be set at levels that the majority of development would be able to meet. It should not necessarily be the case that development would not be viable in areas of lower affluence.</p>
Swanley Town Council	CILPD11	<p>The proposed level of CIL represents an appropriate balance between the desirability of funding infrastructure through CIL and ensuring that development remains viable.</p> <p>The preliminary draft charge for residential development in Swanley should be at the same level as Sevenoaks Area A of £125 per square metre.</p> <p>The estimate for the receipts that CIL will generate is reasonable; the figure is based on a number of aspects including housing development identified in the Core Strategy.</p>	<p>The CIL Viability Assessment concludes that charging £125 per sq m is likely to have an unacceptable impact on the viability of development in Swanley.</p>
VALAD Europe c/o Indigo Planning Ltd	CILPD112	<p>VALAD Europe supports the case for a nil charge for B1c/B2/B8 uses.</p>	<p>Noted.</p>

WM Morrison Supermarkets PLC c/o Peacock & Smith Ltd	CILPD98	<p>WM Morrison Supermarkets PLC strongly objects to the proposed Community Infrastructure Levy (CIL) rate of £125/sq m for all retail units with a gross floor area of 280 sq m. Our client is concerned that the suggested 'abnormal' charge will have a significant adverse impact on the overall viability of future (large) retail development in the district. A balance has not been found between infrastructure funding requirements and viability.</p> <p>Following the CIL examination in Poole, where Sainsbury's representation stated that, while the CIL regulations allow charging authorities to set differential rates for different geographical zones or for different uses of development, they do not permit differential rates within the same intended use of development, there is no justification for the council to propose differential rates for retail development.</p> <p>It should also be noted that the proposed £120/sq m charge for large retail development is significantly higher than those being proposed or adopted by other local authorities e.g. £53/sq m for Portsmouth; £70/sq m in LB Redbridge; £80/sq m in LB Lewisham and LB Brent; and £100/sq m in LB Merton.</p>	<p>It is not agreed that the Community Infrastructure Levy Regulations prevent Charging Authorities from setting different charges for large and small format retail development. This approach has been found sound in examinations of adopted Charging Schedules. Further viability evidence has been prepared to support the Council's proposed approach.</p>
Westerham Town Council	CILPD59	<p>Some flexibility in the charge must be allowed. Over a twenty year term there must be some scope for review and amendment taken from early adopters.</p> <p>In principle, it is agreed that there is a need for different charges by use and/or area.</p>	<p>The CIL system allows very little flexibility in the application of the charges. However, the Council is able to review the CIL Charging Schedule before the end of the Core Strategy period if it is deemed necessary to do so.</p>
<b>Exemptions and Relief</b>			
Armstrong (Kent) LLP C/O CBRE	CILPD65	<p>If the District Council does not consider it appropriate to set a differential nil rate for Fort Halstead, AK LLP requests that an exemption and relief policy related to Fort Halstead is included within the separate document which the District Council is proposing to produce. Clearly this separate document will need to be subject to consultation as soon as possible in order that the impact of such exemptions and reliefs can be considered in the examination of the draft Charging Schedule.</p>	<p>No viability evidence has been provided to indicate why a nil rate should be applied to any residential development at Fort Halstead. The Council will keep the need for an exceptional circumstances relief policy under review. However, it is considered that the restrictions imposed on the use of any policy by the CIL Regulations and the need to comply with State Aid legislation mean that any policy will only apply in very limited circumstances.</p>

Brasted Parish Council	CILPD31	Q12 - There should not be development by a charity where the profits from development will be used for charitable purposes without contribution. This would offer an untenable loophole. Q13 - Exceptional circumstances for relief should be justified on a case by case basis following assessment by a qualified officer and local representatives.	Noted. The Council will make a formal decision on whether to offer relief for investment developments by charities and in exceptional circumstances following the publication of the Draft Charging Schedule. It is currently considered that there will be very few circumstances where either of these exceptions would apply.
Crockenhill Parish Council	CILPD80	If a care home is built by any organisation other than a charity it will be profit making and should be treated as any other business. We note that the erection of agricultural buildings often requires investment into the business. However this does ignore the long term planning that often means the building will be rented out for light industrial use or once the farm is redundant developed into housing in which case a substantial profit is used. Affordable housing and provision by charities should be exempt.	Noted. In circumstances where an agricultural building is converted into one or more dwellings CIL will be chargeable. Affordable housing and development by charities to be used for charitable purposes will be exempt from CIL.
Edenbridge Town Council	CILPD21	Agree that development by a charity where the profits would be used for charitable purposes should be exempt. Buildings for community use should be exempt or offered relief.	Noted. The Council will make a formal decision on whether to offer relief for investment developments by charities and in exceptional circumstances following the publication of the Draft Charging Schedule. It is currently considered that there will be very few circumstances where either of these exceptions would apply. Buildings for community use will not be charged CIL under the Council's proposals.
Environmental Agency	CILPD95	Exceptional relief should be offered where a large proportion of a non-charitable development is benefiting from pro bono contributions of professional time and services or because the project is of particular social, environmental or other community benefit, then relief might be offered.	This does not appear to be in accordance with the CIL Regulations.
Eynsford Parish Council	CILPD45	Support relief for charities where profits from development would be used for charitable purposes but not relief in exceptional circumstances.	Noted. The Council will make a formal decision on whether to offer relief for investment developments by charities and in exceptional circumstances following the publication of the Draft Charging Schedule. It is currently considered that there will be very few circumstances where either of these exceptions would apply.

GlaxoSmithKline c/o Nathaniel Lichfield & Partners	CILPD86	The Council should publish details of the proposed exceptional circumstances relief policy in a policy document that should be brought forward now, to be considered alongside the CIL Draft Charging Schedule. This approach should allow any schemes with a s106 obligation which can demonstrate that it is not viable for the development to proceed with the addition of the CIL charging rate, to negotiate a reduced or nil CIL contribution with the Council so as to ensure the scheme can go ahead. This would be consistent both with CLG guidance on CIL and with Government planning policy.	Noted. The Council will make a formal decision on whether to offer relief for investment developments by charities and in exceptional circumstances following the publication of the Draft Charging Schedule. It is currently considered that there will be very few circumstances where either of these exceptions would apply. Where a development is granted planning permission before the Council's Charging Schedule is adopted, any development built out in accordance with that permission will not be liable to pay CIL.
Kent County Council	CILPD109	KCC supports the use of discretionary relief for development by a charity where the profits from development will be used for charitable purposes and in exceptional circumstances.	Noted. The Council will make a formal decision on whether to offer relief for investment developments by charities and in exceptional circumstances following the publication of the Draft Charging Schedule. It is currently considered that there will be very few circumstances where either of these exceptions would apply.
Kent Police	CILPD54	Discretionary relief should be offered to charities where the profits from development would be used for charitable purposes and in exceptional circumstances.	Noted. The Council will make a formal decision on whether to offer relief for investment developments by charities and in exceptional circumstances following the publication of the Draft Charging Schedule. It is currently considered that there will be very few circumstances where either of these exceptions would apply.
McCarthy and Stone Retirement Lifestyles Ltd	CILPD43	There will be a need to identify priorities in many instances between CIL and affordable housing for example where viability is marginal. The exception clause and relaxation options on CIL need to be spelt out or at the very least the process by which it will be judged.	Noted. The Council will make a formal decision on whether to offer relief for investment developments by charities and in exceptional circumstances following the publication of the Draft Charging Schedule. It is currently considered that there will be very few circumstances where either of these exceptions would apply.

Sevenoaks Town Council	CILPD91	<p>The Town Council notes that the District's interpretation of the legislation appears to be in line with national regulations, also noting that social enterprises had been omitted at a national level and should have been included.</p> <p>Sevenoaks Town Council supports relief for development by a charity where the profits will be used for charitable purposes and in exceptional circumstances.</p> <p>Exceptional circumstances should be judged on a scheme by scheme basis. Criteria should include the overall community benefit of the scheme and whether the CIL and Affordable Housing charge combined would make a development unviable. Any issues of viability must be confirmed by an independent outside body.</p>	Noted. The Council will make a formal decision on whether to offer relief for investment developments by charities and in exceptional circumstances following the publication of the Draft Charging Schedule. It is currently considered that there will be very few circumstances where either of these exceptions would apply.
Swanley Town Council	CILPD12	<p>Swanley Town Council does not support discretionary relief where development is undertaken by a charity where the profits from that development will be used for charitable purposes.</p> <p>The Town Council would request to be consulted when the District Council sets out policies on discretionary relief in a separate policy document, which it states will come into effect at the same time as the Charging Schedule, in accordance with the relevant regulations.</p>	Noted. The Council will make a formal decision on whether to offer relief for investment developments by charities and in exceptional circumstances following the publication of the Draft Charging Schedule. It is currently considered that there will be very few circumstances where either of these exceptions would apply.
Westerham Town Council	CILPD60	<p>Support discretionary relief for developments by a charity where the profits will be used for charitable purposes and in exceptional circumstances.</p> <p>Relief in exceptional circumstances should be offered if the benefit of the development is in the public interest where the developer is taking a higher risk than would normally be undertaken for a 20% return. For example larger schemes requiring high levels of third party funding unavailable from high street banks.</p>	Noted. The Council will make a formal decision on whether to offer relief for investment developments by charities and in exceptional circumstances following the publication of the Draft Charging Schedule. It is currently considered that there will be very few circumstances where either of these exceptions would apply.
<b>Monitoring and Reporting</b>			
Wealden Homes	CILPD5	The annual report should set out how much money has gone to Town Councils and Parish Councils and from what developments. This acts as a cross reference with para 7 .5.	The principle of this is agreed. However, it is necessary to wait for the Government to implement the requirements to pay a 'meaningful proportion' to town and parish councils through regulations before the Council can make a commitment to this.
Brasted Parish Council	CILPD32	Parish Councils should be monitored in their spending of monies however this should not place an additional administrative burden on small councils.	Noted. It is understood that this issue will be addressed in revised CIL Regulations.
Crockenhill Parish Council; Eynsford	CILPD81 CILPD46 CILPD92 CILPD13	Monitoring arrangements for SDC are appropriate and similar arrangements should be put in place for town and parish councils.	Noted. It is understood that this issue will be addressed in revised CIL Regulations.

Parish Council; Sevenoaks Town Council; Swanley Town Council; Westerham Town Council	CILPD61		
Edenbridge Town Council	CILPD22	The amount spent on administration should be under 5% of total.	Noted. This is currently required by the CIL Regulations.
Highways Agency	CILPD72	The Council may wish to assist the local community, developers and others, by including on its website/ in any annual report an indicative forward look/ profile of future spend that would then highlight the need for/ feed into any review of the Infrastructure Delivery Plan/ Regulation 123 List etc.	Noted. This will be considered.
Kent County Council	CILPD110	KCC supports the monitoring proposals and wishes to develop a protocol with the District Council for the provision of CIL receipts, and for the delivery of the services for which they are intended, and to comply with the monitoring requirement.	Noted. SDC would be keen to discuss this with KCC. It is important that organisations that are passed CIL funds by SDC are clearly able to demonstrate how it has been spent.
Kent Police	CILPD55	Proposals for monitoring but the District Council are supported. For public confidence proper controls need to be in place at all levels. As such the reporting by town and parish councils will ensure necessary information for such confidence is open for public scrutiny.	Noted. It is understood that this issue will be addressed in revised CIL Regulations.
<b>Implementation</b>			
Armstrong (Kent) LLP C/O CBRE	CILPD66	AK LLP considers that it is critical that the District Council should set instalment policies to assist the cash-flow and viability of strategic developments, so as to ensure that development can proceed be delivered. The separate document is likely to have implications for AK LLP's landholding at Fort Halstead and therefore requests that it is kept informed as to its progress and would also welcome the opportunity to comment on the emerging phasing of payments.	The Council will consider the need for an instalment policy and will aim to bring one forward at the time that the Charging Schedule is adopted.

Wealden Homes	CILPD6	<p>We agree that there should be flexibility to introduce instalment policies for payment.</p> <p>Wealden Homes propose different instalment policies for different sizes of scheme:</p> <p>1-5 units - 60 days payment for 2 units, payment on occupation for residual</p> <p>6-20 units - 60 days payment for 5 units, payment on occupation for residual</p> <p>20-50 units - 60 days payment for 10 units, payment on occupation for residual</p> <p>51- 100 units - 60 day payment for first 30 units, payment on occupation for residual</p> <p>100+ - By negotiation on a site by site basis subject to S106 negotiations</p>	<p>The Council will consider the need for an instalment policy and will aim to bring one forward at the time that the Charging Schedule is adopted. Any instalment policy would need to be linked to days after commencement rather than dates of occupation, in accordance with the CIL Regulations.</p>
Brasted Parish Council	CILPD33	Support instalment policies	<p>Noted. The Council will make a formal decision on whether to offer the opportunity to pay in instalments following the publication of the Draft Charging Schedule. It is currently considered that this could help to support the cash flow of developments that are of marginal viability.</p>
Edenbridge Town Council	CILPD23	<p>SDC probably has no choice but to introduce an instalments policy as developers are unlikely to pay upfront. It will add significantly to admin costs. Who will check when developments start and on the triggers for further payments?</p> <p>Certainly payment by instalments should not be available for payments under 20K.</p>	<p>Noted. The Council will make a formal decision on whether to offer the opportunity to pay in instalments following the publication of the Draft Charging Schedule. It is currently considered that this could help to support the cash flow of developments that are of marginal viability.</p>
Environmental Agency	CILPD96	Instalments should only be offered to those developers who can demonstrate real need and only for a limited time period.	<p>Noted. The Council will make a formal decision on whether to offer the opportunity to pay in instalments following the publication of the Draft Charging Schedule. It is currently considered that this could help to support the cash flow of developments that are of marginal viability.</p>
Eynsford Parish Council	CILPD47	All CIL payments should be made before the development commences or at least before completion.	<p>Noted. The Council will make a formal decision on whether to offer the opportunity to pay in instalments following the publication of the Draft Charging Schedule. It is currently considered that this could help to support the cash flow of developments that are of marginal viability.</p>



Highways Agency	CILPD73	The HA normally requires that any mitigation required on or affecting the SRN is in place prior to or at the point of occupation of the impacting development. We would wish to be assured by suitable text in future iterations of the CIL framework, that there would not be a risk that crucial infrastructure may be delayed due to any instalments arrangement.	Noted. The Council will make a formal decision on whether to offer the opportunity to pay in instalments following the publication of the Draft Charging Schedule. It is currently considered that this could help to support the cash flow of developments that are of marginal viability. Currently the HA has not identified any strategic infrastructure that should be funded through CIL. Site specific improvements to Highways Agency infrastructure may be best secured through s106/s278 agreements.
Kent County Council	CILPD111	KCC is supportive of the use of instalments policy but suggests that a balance needs to be struck between assisting developers cash-flow and commissioning infrastructure delivery at the right time.	Noted. The Council will make a formal decision on whether to offer the opportunity to pay in instalments following the publication of the Draft Charging Schedule. It is currently considered that this could help to support the cash flow of developments that are of marginal viability.
Kent Police	CILPD56	Many infrastructure providers have or need to put in place new/growth infrastructure to enable the development to proceed or to ensure it is sustainable from the outset. With current public sector financial constraints such instalments are probably not viable from many of the infrastructure providers perspective.	Noted. The Council will make a formal decision on whether to offer the opportunity to pay in instalments following the publication of the Draft Charging Schedule. It is currently considered that this could help to support the cash flow of developments that are of marginal viability.
McCarthy and Stone Retirement Lifestyles Ltd	CILPD42	My Client would welcome further flexibility in the timing of CIL as payments on commencement will introduce an additional financial cost on the development prior to the receipt of any revenue from the proposed development. This is particularly important in the case of retirement housing providers, as developments need to be completed in their entirety before a single unit of accommodation can be sold. It is considered that at the earliest, part payment on first occupation would be fairer and would reduce unnecessary financial costs to the developer. This should then be phased depending upon occupation levels.	Noted. The Council will make a formal decision on whether to offer the opportunity to pay in instalments following the publication of the Draft Charging Schedule. It is currently considered that this could help to support the cash flow of developments that are of marginal viability. However, it is considered that basing instalment policies on occupation would not be in accordance with the CIL Regulations.
Planning Potential Ltd	CILPD84	We do believe that Sevenoaks District Council should introduce an instalment policy for the payment of CIL. Exceptions and instalments policies should reflect consideration of each individual planning application on its own merits primarily on the viability of the scheme to be delivered.	Noted. The Council will make a formal decision on whether to offer the opportunity to pay in instalments following the publication of the Draft Charging Schedule. It is currently considered that this could help to support the cash flow of developments that are of marginal viability.

Sevenoaks Town Council	CILPD93	<p>The Town Council supports the introduction of an instalments policy, to reduce the burden on developers. To reduce the bureaucratic burden on the District Council the Town Council believes any such payments should be consistent with the method for obtain Affordable Housing contributions. The Town Council would support a system that was simple and easy to administer.</p> <p>The Town Council supports the introduction of a minimum threshold, but believes the limit should be set high enough to encourage large scale developments to take place.</p>	<p>Noted. The Council will make a formal decision on whether to offer the opportunity to pay in instalments following the publication of the Draft Charging Schedule. It is currently considered that this could help to support the cash flow of developments that are of marginal viability.</p>
Swanley Town Council	CILPD14	<p>Payments should be made in full. This will stop the potential for payments made to Town and Parish Councils from being delayed or potentially being received in instalments themselves, which in turn could delay projects that were proposed using CIL payments.</p>	<p>Noted. The Council will make a formal decision on whether to offer the opportunity to pay in instalments following the publication of the Draft Charging Schedule. It is currently considered that this could help to support the cash flow of developments that are of marginal viability.</p>
Westerham Town Council	CILPD62	<p>The use of instalments is supported. However, care should be taken in any deferred payment that the Council has recourse to some security of a bank guarantee or other collateral.</p> <p>Instalments should be by negotiation and exception dependent of developers own funding.</p> <p>Westerham Town Council does not think that there should be a threshold for instalment policies.</p>	<p>Noted. The Council will make a formal decision on whether to offer the opportunity to pay in instalments following the publication of the Draft Charging Schedule. It is currently considered that this could help to support the cash flow of developments that are of marginal viability. Under the CIL Regulations, the Council must set out its instalments policy, if it considers it necessary to have one, in advance rather than negotiate on a site by site basis.</p>



**COMMUNITY INFRASTRUCTURE LEVY:  
DRAFT CHARGING SCHEDULE:  
SUMMARY OF EVIDENCE AND PROPOSALS**

**FEBRUARY 2012**

## Agenda Item 7

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## 1. Consultation

- 1.1 Sevenoaks District Council consulted on a Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule between 28<sup>th</sup> June and 9<sup>th</sup> August 2012. SDC has now prepared a Draft Charging Schedule, which it proposes to submit for independent examination. This document summarises the Council's evidence that supports the Draft Charging Schedule, which is available to comment on between X and X. Once adopted, the Charging Schedule will set out a standard rate that developers will need to pay when undertaking different types of development in different parts of the District. Funds collected through CIL must be spent on infrastructure required to support development of the area.
- 1.2 The Council considers that there are many benefits of adopting a CIL Charging Schedule. In particular, a standard CIL charge will:
- aid infrastructure providers in planning the delivery and operation of infrastructure;
  - aid developers in identifying the likely costs associated with development;
  - improve accountability to the public for use of developer contributions for infrastructure;
  - ensure that payments are made to town and parish councils when development occurs in their areas so that they can deliver local priority infrastructure; and
  - increase the range of developments that are able to contribute towards infrastructure, including small residential developments which have often not been required to make contributions in the past.
- 1.3 Representations submitted on the Draft Charging Schedule will be made available to an independent examiner, who will consider the soundness of the charging schedule and whether the Council is able to adopt it, either as proposed or subject to amendments.
- 1.4 The CIL Draft Charging Schedule can be found on the CIL pages of the Council's website. Comments should be submitted via the Council's consultation web-portal, by email to [ldf.consultation@sevenoaks.gov.uk](mailto:ldf.consultation@sevenoaks.gov.uk) or in writing to:

Planning Policy  
Sevenoaks District Council  
Argyle Road  
Sevenoaks  
TN13 1HG

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### 2. Background

#### The Community Infrastructure Levy and Charging Schedules

- 2.1 The Community Infrastructure Levy (CIL) is a locally set standard charge that can be applied to new development to fund infrastructure. It is calculated in £ per sq m net internal area of new buildings or extensions<sup>1</sup>. In order to charge CIL, charging authorities must prepare a Charging Schedule. Sevenoaks District Council is the charging authority for Sevenoaks District. The Draft Charging Schedule sets out proposed CIL charges for different types of development and different areas of the District.
- 2.2 The CIL Charging Schedule sets out what certain forms of development will pay. However, the following types of development will not be liable to pay CIL:
- Changes of use that do not result in an additional dwelling.
  - New buildings or extensions of less than 100 sq m gross internal area unless they result in the development of one or more new dwellings. Therefore, the majority of residential extensions will not be required to pay CIL but some may.
  - Affordable housing, subject to the developer applying for relief in the manner set out in the regulations.
  - Development by a charity where the development will be used wholly or mainly for charitable purposes.
  - Buildings into which people do not normally go, or go only intermittently for the purpose of inspecting and maintaining fixed plant or machinery.
- 2.3 In addition, only the net additional floorspace on a development site will be expected to pay CIL if an existing building, or part of it, has recently been in use (defined as 6 months of the last 12).

#### Local Development Framework

- 2.5 Sevenoaks District Council adopted the Local Development Framework Core Strategy for the District in February 2011. The Core Strategy sets out policies on the overall scale and distribution of development and strategic policies that will be used to determine the type of development that comes forward and protect the natural and built environment. The Core Strategy provides for the development of 3,300 new dwellings to be built in Sevenoaks over the period 2006-2026. The current housing land supply position is summarised in section 3.
- 2.6 SDC is currently preparing the Allocations and Development Management Policies Plan (ADM Plan). This will identify new land use allocations for

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<sup>1</sup> Further guidance on the measurement of net internal area and the calculation of CIL charges will be set out in an Implementation Plan, to be published alongside the Charging Schedule.

housing, employment and boundaries for other land use designations such as the Green Belt and AONB. The allocations will provide sufficient development sites to ensure that the Council can meet the remainder of the target for new dwellings to 2026 (approximately 1000 dwellings). The ADM Plan will also contain detailed policies that must be taken into account in determining planning applications.

- 2.7 The Community Infrastructure Levy will support the delivery of the Sevenoaks Core Strategy and the Allocations & Development Management Plan by contributing towards the infrastructure required to support the development planned. The provision of infrastructure to support development has been seen as key component of the Government's ambition to encourage local communities to welcome development. The Community Infrastructure Levy should also aid the delivery of development by ensuring that developers are able to calculate the costs of infrastructure contributions prior to purchasing land and/or preparing planning applications.

### Legislative and National Policy Context

- 2.8 CIL Charging Schedules must set out the charge(s) in £ per sq m that development will be expected to pay to support the provision of infrastructure. Whilst the charge can be varied by area and type of development on the basis of viability evidence, there are no other reasons for setting differential CIL charges.
- 2.9 CIL may be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure. The Planning Act identifies the types of infrastructure that should be considered for funding through CIL, although the list is not definitive. These are:
- (a) roads and other transport facilities,
  - (b) flood defences,
  - (c) schools and other educational facilities,
  - (d) medical facilities,
  - (e) sporting and recreational facilities, and
  - (f) open spaces.
- 2.10 The provision of affordable housing or financial contributions towards it can not currently be secured through CIL. Whilst the Government recently consulted on whether this should be changed, it is yet to publish its decision and the amended regulations that would be required. Planning obligations will continue to be used to secure affordable housing, in accordance with the Core Strategy policy SP3.
- 2.11 In order to charge CIL, Sevenoaks District Council (SDC) needs to adopt a CIL Charging Schedule. This needs to be subject to independent examination and must be supported by evidence of a gap between the funding needed to provide the infrastructure required to support development and that which is already available. The Council must also show that the charging of CIL will not threaten delivery of its Plan (i.e. the

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Core Strategy) as a whole. This should be on the basis of an area-based approach that broadly tests viability across its area. The balance between the desirability of funding infrastructure through CIL and the effects on viability of development is for the Charging Authority to decide upon. Further guidance is provided in 'Community Infrastructure Levy: Guidance' (CLG, 2012).

- 2.12 The National Planning Policy Framework (NPPF) states that the cumulative impact of standards and policies should not put implementation of the plan at serious risk, and should facilitate development through the economic cycle (para 174). Development should provide competitive returns to a willing land owner and willing developer, when normal development costs and policy requirements have been taken into account (para 173). However, it is also recognised that development should not be permitted where it can not provide for the 'safeguards' necessary to make development acceptable (para 176).
- 2.13 Whilst there are some forms of development that are exempt or offered relief from paying CIL, it will generally be the case that qualifying forms of development (i.e. those identified in the Charging Schedule) will pay CIL without exception or negotiation. The regulations contain limited powers for the Council to offer relief from CIL in exceptional circumstances, at its discretion. However, the situations where this can occur are tightly prescribed and are subject to EU State Aid rules (see section 6).

### Planning Obligations

- 2.14 The Community Infrastructure Levy will largely replace planning obligations, under section 106 of the Town and County Planning Act 1990, as the mechanism that local planning authorities use to secure developer contributions for infrastructure to support development. Information on recent planning obligations secured for infrastructure is set out in appendix A. Any planning obligations can only be taken into account in determining planning applications where they meet the following tests from regulation 122 of the CIL Regulations 2010:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 2.15 Developer contributions secured through planning obligations will no longer be able to be pooled from more than 5 different obligations to deliver the provision of a certain project or type of infrastructure from April 2014 or the date of adoption of the CIL Charging Schedule, whichever comes first. This restriction, from regulation 123 of the CIL Regs 2010, is intended to ensure that local planning authorities use CIL instead of planning obligations to secure contributions for infrastructure that serves a wider area than just the specific development site or group of sites.



- 2.16 In addition, planning obligations will not be able to be used to secure the provision of, or contributions to, infrastructure that could be funded through CIL. Local planning authorities can identify what infrastructure will be funded through CIL so that planning obligations can continue to be negotiated for other infrastructure. In order to do this, charging authorities can publish a list of infrastructure to which CIL will contribute on its website. This list is sometimes referred to as a 'Regulation 123 list', after the corresponding regulation in the CIL Regulations 2010. This list does not need to be the same as the infrastructure plan which is submitted to support the Charging Schedule at Examination and can be reviewed at any time. Sevenoaks District Council is considering the benefits and implications of preparing a Reg.123 list.
- 2.17 Affordable housing provision and contributions will continue to be secured through planning obligations, unless the Government amends the regulations that make it necessary or beneficial to secure these through CIL. Appendix B sets out how successful the Council has been in securing the provision of or contributions towards affordable housing between implementation of Core Strategy Policy SP3 in February 2011 and April 2012 (the end of the last AMR monitoring period).

### 3. Infrastructure Requirements and Use of CIL

#### Additional Housing Development Proposed

- 3.1 The adopted Sevenoaks District LDF Core Strategy plans for the development of 3,300 dwellings in the period 2006-2026. SDC's most recent [Annual Monitoring Report](#) sets out the housing land supply position within the District at 31 March 2012. 1360 additional dwellings had been completed in the period 2006-2012. A further 970<sup>2</sup> additional dwellings have extant planning consent and, therefore, should have had their infrastructure requirements taken into account through the development control process. To meet the remaining requirement, the Council has identified the potential for 879 dwellings to be developed on sites identified in the Strategic Housing Land Availability Assessment which are consistent with strategic Core Strategy policies and forecasts the development of 432 dwellings on small, as yet unidentified, sites from year 6 of the housing trajectory. This will mean that the Council will have a sufficient supply of new housing to meet or exceed the Core Strategy requirement of 3,300 dwellings.

#### Population Forecasts

- 3.2 In many cases, the need for additional or improved infrastructure is likely to result from an increase in population as a result of development, rather than the increase in the number of dwellings itself.
- 3.3 Kent County Council's most recent strategy-based [demographic forecasts](#) predict that, on the basis of the number of dwellings remaining to be developed over the Core Strategy period in the District, the total population in Sevenoaks District will remain relatively static over the period 2010 to 2026.
- 3.4 Where new infrastructure is required at the local level within the District or a specific new development, for example a new local play area, the requirement will be more closely related to the new population moving into the new development, regardless of where they have moved from and of the impact of wider demographic changes.

#### Draft CIL Infrastructure Plan

- 3.5 SDC's existing Infrastructure Delivery Plan is set out at appendix 4 to the adopted [Core Strategy](#). This document was prepared in 2010 on the basis of information provided by infrastructure providers. The Core Strategy is clear that this schedule is to be treated as a live document.
- 3.6 The existing Infrastructure Delivery Plan and engagement with infrastructure providers has been used to develop an initial indicative list of infrastructure to support development that could be funded through CIL.

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<sup>2</sup> This figure is subject to a non-implementation rate of 10% on sites under 0.2 ha and 4% on sites of 0.2 ha and over. These rates are based on previously identified trends.

It should be noted that there is no requirement for SDC to commit to funding these projects once CIL has been adopted. The Council will have the flexibility to spend CIL receipts on any other type of infrastructure that is considered to be a priority at the time, subject to restrictions that may be imposed by the publication of a Reg. 123 list (see para 3.10).

Scheme Type	Lead Body	Cost	Committed Funding *	Funding Gap
Transport Schemes, including Urban Traffic Management Control (UTMC) system for Sevenoaks and Implementation of selected routes from the Sevenoaks Cycling Strategy	Kent County Council	£1,980,000 - £2,130,000  (£2,055,000 assumed)	£0	£2,055,000
Flood Defence and Water Quality Infrastructure, including flood defence scheme in Edenbridge	Environment Agency	£4,800,000	£1,200,000	£3,600,000
Schools, including primary and secondary in Sevenoaks and Swanley	Kent County Council	£6,005,000	£0	£6,005,000
Health Care, including improvements to existing facilities in Sevenoaks, Swanley and Edenbridge	NHS	£1,021,000	£0	£1,021,000
Community facilities, including improvements to libraries, community learning, social	Kent County Council and Sevenoaks District Council	£1,993,000	£0	£1,993,000

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services and community development work to integrate new residents and SDC's youth zone scheme.				
<b>Open Space, Sport and Recreation,</b> including the redevelopment of Whiteoak Leisure Centre, provision of outdoor 'Green Gyms', provision of allotments in Sevenoaks and Swanley and additional facilities or extensions to wildlife sites.	Scheme-dependent, includes Sevenoaks District Council, Kent Wildlife Trust, Edenbridge Town Council and Sevenoaks Town Council	£7,465,500	£3,501,000	£3,964,500
<b>Total</b>		<b>£23,339,000</b>	<b>£4,701,000</b>	<b>£18,638,000</b>

\* i.e. forecast Council Tax or Grant increase as a result of development, existing resources or revenue from redevelopment of other sites.

- 3.7 Once committed and anticipated funding has been taken into account, the infrastructure plan indicates that there is a need for approximately an additional £19,000,000 to support the provision of infrastructure required as a result of development. This funding gap has been taken into account in proposing the CIL charge, set out in the Draft Charging Schedule.
- 3.8 Inclusion of schemes in the draft plan, or summary above, does not guarantee that the Council will view them as a priority and make CIL funding available at the time that development comes forward. Given that the infrastructure funding gap is significantly greater than the forecast receipts from CIL, prioritisation of infrastructure schemes will be required.
- 3.9 In identifying the infrastructure that CIL will be used to fund, SDC will have regard to the need for sub-regional infrastructure that may be required as a result of development in Sevenoaks District and neighbouring districts/boroughs.
- 3.10 Whilst the Council is not required to provide certainty on the infrastructure projects that it will fund through CIL receipts, it is expected to set out a

draft list of the projects or types of projects that are anticipated to be funded through CIL. This list should form the basis of any regulation 123 list that the Council prepares. This is to ensure that a developer can identify clearly the types of infrastructure to be funded through CIL and what will be secured through planning obligations. The following list is the types of infrastructure that SDC expects to fund through CIL receipts:

- Transport schemes other than site-specific access improvements;
- Flood Defence schemes;
- Water quality schemes;
- Schools;
- Health and social care facilities;
- Police and emergency services facilities;
- Community facilities;
- Green infrastructure other than site-specific improvements or mitigation measures.

### Types of Development to be funded through planning obligations

3.11 If infrastructure projects or types of infrastructure that CIL receipts will be used to deliver have been defined in Reg. 123 list, other types of infrastructure can be funded or delivered through planning obligations, subject to the restrictions set out in the CIL Regulations 2010. SDC is required to provide an indication of the types of infrastructure that it will secure through planning obligations. It is proposed that this would be most appropriate for site specific infrastructure, such as:

- Site specific access improvements (these could also be secured through s278 of the Highways Act 1980 in some circumstances);
- On-site open space, for example children's play areas;
- Site specific green infrastructure, including biodiversity mitigation and improvement;
- On-site crime reduction and emergency services infrastructure, for example CCTV or fire hydrants; and
- Site specific Public Rights of Way diversions or impact mitigation.

3.12 In addition, affordable housing provision and contributions will continue to be secured through planning obligations, unless the Government amends the regulations that make it necessary or beneficial to secure these through CIL.

3.13 Other mechanisms exist to ensure that developers provide sufficient infrastructure or financial payments to ensure that new development is provided with the necessary utilities, including water and sewerage infrastructure. SDC will support the timely provision of the necessary infrastructure. The costs of providing this infrastructure should be taken into account in establishing the viability of development.

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### Role of Town and Parish Councils

- 3.14 It is expected that the Government will publish regulations in 2013 that will establish the percentage of CIL receipts that charging authorities will pass on to town and parish councils when development occurs in their area.
- 3.15 The Council's draft CIL Infrastructure Delivery Schedule contains a list of the types of schemes that town and parish councils have indicated they may wish to fund through CIL receipts, when development occurs in their area. However, town and parish councils are not limited to funding these schemes and may decide to spend CIL receipts on other projects when development comes forward, subject to the limits placed on them by legislation.

## 4. Development Viability

### Viability Study

4.1 In order to ensure that a CIL charge would not put at risk the delivery of the Core Strategy, the Council commissioned a CIL Viability Assessment to consider the levels of CIL charge that most development could pay and remain viable. The study was published alongside the Preliminary Draft Charging Schedule consultation document and an addendum has been published alongside the Draft Charging Schedule. The Viability Assessment has considered the justification for different charges in different parts of the district and for different land uses. Amongst others, the Viability Assessment (including the addendum) considered the viability of the following different types of development, using a residual land valuation model:

- Residential (including sheltered housing within Use Class C3);
- Supermarkets/Superstores
- Retail warehouses;
- Convenience stores;
- Comparison retail;
- Offices;
- Industrial;
- Warehouses;
- Hotels;
- Care Homes;
- Community Uses; and
- Agricultural.

4.2 The approach taken seeks to ensure that after development costs, including developers gross profit (20% on market housing), the provision of affordable housing and CIL, are taken into account, the residual value left in the overall value of development is sufficient to ensure that land can be purchased at a competitive price. Research undertaken by the consultants (Dixon Searle Partnership) and information from the Valuation Office Agency, RICS and the Land Registry has been used in assessing what overall values of development should be considered and what reasonable purchase prices for development land are in the District. A range of other sources, including consultation with a number of developers and agents, have been used to identify reasonable figures for other elements of the assessment, such as build costs.

### Assumptions

4.3 Generic development scenarios were tested for the uses considered by the study. These are considered to be an appropriate representation of the types of development that are expected to come forward in the district, as proposed by the Core Strategy. The viability assessment does not consider the impact of CIL on specific sites proposed for development, in accordance with national guidance. It is recognised that some sites in the

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District may have site-specific abnormal costs that may lead to development not being viable. It is the Council's view that the proposed CIL charge is at a level that means that it will represent a relatively small proportion of the development costs and should not be the deciding factor in whether or not development is viable.

- 4.4 The viability assessment took into account how the Council's other policies impact on development viability. In particular, the assessment was based on the assumption that the Council's affordable housing policy (Core Strategy policy SP3) and sustainable construction policy (Core Strategy policy SP2) will be delivered.
- 4.5 The viability assessment is based on ensuring that developers can make a reasonable profit on both market and affordable housing and still afford to purchase the land at a competitive price. 20% developers gross profit on market housing and 6% on affordable housing is factored into the viability appraisals. The figure for market housing is higher than the figure applied in the Affordable Housing Viability Assessment in 2009, which considered 15% and 17.5%. This is due to the more restrictive actions of financial institutions in the current economic climate, which are tending to mean that only schemes that generate higher levels of profit are able to secure finance. Higher assumed profit margins also provide a degree of contingency against abnormal costs.
- 4.6 As far as is considered reasonable to do so, this assessment has considered the impact of CIL on the viability of development over time, through the use of a range of 'value points' that are expected to reflect development values at different stages of the economic cycle.

### Conclusions

- 4.7 The CIL Viability Assessment finds that the CIL charges proposed in the Draft Charging Schedule would not put at serious risk the delivery of the LDF Core Strategy<sup>3</sup>. The proposed charges have also taken into account identified good practice on not setting charges near the limits of viability. Following this guidance ensures that some flexibility is built into the Charging Schedule.
- 4.8 The Viability Assessment proposed that residential charges could be varied across different areas in the District on the basis of different Gross Development Values (GDV) in those areas, with a charge of £125/m<sup>2</sup> in some areas and £75/m<sup>2</sup> in others. Ward boundaries have been proposed as the basis for differentiating between areas because information on GDV and GDV/m<sup>2</sup> is readily available for individual wards. The boundaries of the proposed charging areas are set out in the Charging Schedule.
- 4.9 The Viability Assessment notes that there are different viability considerations for different types of retail unit. The viability, and ability to pay a set CIL charge, is primarily related to the type of retail offer and

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<sup>3</sup> Community Infrastructure Levy: Guidance, para 29.



factors such as construction costs. It is proposed that supermarkets/superstores and large retail warehouses are charged CIL at £125/m<sup>2</sup>, whilst other forms of retail are not charged. The Council's Viability Evidence shows that the type of retail development is a more significant factor in the viability than the size of the store. It is therefore proposed that the following definitions are used to identify supermarkets/superstores and retail warehouses for the purposes of determining whether a CIL Charge is payable:

*Superstores/supermarkets - shopping destinations in their own right (of 500m<sup>2</sup> of sales floorspace or more) where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.*

*Retail warehouses - large stores (of 500m<sup>2</sup> of sales floorspace or more) specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods, catering for mainly car-borne customers.*

It is proposed that a threshold of 500m<sup>2</sup> of sales/gross floorspace is included in the definitions to aid the identification of these stores. This proposed threshold is based on an assessment of the floorspace of existing supermarkets/superstores and retail warehouses in the District carried out by SDC, which can be found at appendices C and D.

- 4.10 Whilst the Council's viability evidence indicates that CIL could be charged at £50 or £75 per m<sup>2</sup> on small convenience stores, it is proposed that CIL is set at £0 for these types of development. This is due to the viability evidence indicating that comparison retail development, with the exception of retail warehouses, would not be viable with a CIL charge. It is considered that to charge small convenience stores but not small comparison goods stores would create a competitive advantage for comparison goods stores. It is also considered that the Council would find it difficult to determine which retail use small units will be occupied by at the time planning permission is granted and would have little control or the ability to charge CIL (unless floorspace is added) when different types of retail operators move into the units.
- 4.11 A nil charge has been proposed for some uses, including offices, warehousing, hotels, residential care homes (in C2 use) and agricultural buildings, as the Viability Assessment concludes that the development of units in those uses would be at a significant risk of not being viable across the District if a CIL charge was to be levied.

## 5. Estimated CIL Receipts for Development Proposed in the LDF Core Strategy

- 5.1 Through the infrastructure planning process, described previously in this document, SDC has been able to show that a funding gap of approximately £19,000,000 exists on the basis of an indicative list of infrastructure projects required to support development. This takes into account other sources of funding that may realistically be available to deliver these infrastructure projects.
- 5.2 It is estimated that, at the levels of CIL proposed, approximately £5-6 million will be secured to fund infrastructure improvements. This is before the 'meaningful proportion' to be paid to town and parish councils has been 'top-sliced' from the receipts and does not take into account the impact of inflation, which will be applied to CIL charges through a link to the RICS All In Tender Price Index or the contribution (5%) that can be used to cover the Council's administrative costs. The methodology applied in making this estimate is set out in Appendix E. In summary, the forecast receipts have been estimated on the basis of the following assumptions:
- The scale of housing development that needs to be delivered to meet the Core Strategy target will be permitted and the distribution of development will broadly accord with the housing trajectory in the 2012 Annual Monitoring Report;
  - Identified sites will be permitted with the percentage of affordable units, which are offered 100% relief from CIL, required by Core Strategy SP3;
  - Annual levels of development will be uniform across the plan period, which will mean that 14% of the dwellings (2 years supply of the 14 years of the plan period remaining) will be delivered before the CIL Charging Schedule comes into force.
  - Average floorspace of newly built dwellings will be 76 sq m (from CABE); and
  - An assumed 10% of the residential floorspace being developed will replace floorspace in existing use, meaning that CIL will not be payable on this element;
  - As a result of recent planning permissions for retail development, it has not been taken into account in forecasting the CIL receipts.
- 5.3 On the basis that the infrastructure funding gap is larger than the forecast receipts from CIL, it is considered that the introduction of the proposed CIL charges is justified.

## 6. Implementation

- 6.1 SDC will prepare an Implementation Plan for CIL that provides further guidance on the implementation of CIL, including the calculation of the charge (including measurement of net internal area), exemptions, relief, payment in instalments, prioritisation of infrastructure spending and monitoring. This will be published before or alongside the adopted version of the Charging Schedule. Initial consideration of a number of these issues is set out below. However, the Council will keep its position on these issues under review.

### Exemptions and Relief

- 6.2 The Community Infrastructure Levy Regulations 2010 (as amended) identify certain types of development that are exempt, offered relief on a mandatory basis or offered relief at the charging authority's discretion. The Government's 'Community Infrastructure Levy Relief: Information Document' should be taken into account in considering whether development is likely to qualify for relief or exemption from CIL.
- 6.3 The following forms of development are exempt from paying CIL:
- buildings into which people do not normally go, or go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (Reg 6); and
  - developments of under 100 sq m gross internal area that do not result in the development of 1 or more additional dwellings (Reg 42);
  - development by a charity where the development will be used wholly or mainly for charitable purposes (Reg 43).
- 6.4 Developers of social housing are able to apply for relief from paying CIL (Regs. 49 - 54). This relief must be granted by the Charging Authority where the tests in the regulations are met (Reg 49). It is assumed that all affordable housing to be developed in the District will meet the tests in the regulations and that the relief granted will be 100% under the formula set out in regulation 50. Relief must be claimed by the owner of the land, who must assume liability to pay CIL, and must be submitted and processed before the commencement of the chargeable development (Reg. 51). Developers should also be aware of the mechanisms, established by regulations 52 and 53, which set out processes that must be followed where land is transferred and situations where relief will be withdrawn, which may occur up to 7 years after development commenced.
- 6.5 The Council has the option to offer discretionary relief for:
- development by a charity where the profits of the development will be used for charitable purposes (Regs. 44 - 48); and
  - exceptional circumstances (Regs. 55 - 58).

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- 6.6 Whilst SDC proposes to keep the case for introducing exceptional circumstances relief under review, it is currently considered that there will be little benefit in offering it. There are stringent regulations governing when this relief can be offered and it is for the Council to ensure that any exemption is compliant with EU State Aid legislation. The offer of exemptions in exceptional circumstances is not comparable with the flexibility and negotiation that is available on the Core Strategy affordable housing policy (SP3) and it is anticipated that any policy that was introduced will be applied very rarely, if at all.
- 6.7 SDC also proposes to keep the case for introducing relief for investment development by charities under review. However, it is also considered that it is unlikely to be required in Sevenoaks District as only residential and retail development will be liable to pay CIL under the proposed Charging Schedule and affordable housing is already offered 100% relief. It is considered that the infrastructure requirements resulting from the development of any market dwellings should be met, regardless of whether they are built by a charity. It is unlikely that a charity would undertake new major retail development, as opposed to occupying a small existing but vacant unit, which would not be liable to pay CIL. It is, therefore, considered unlikely that a policy on offering relief for investment developments by charities will be required in Sevenoaks District.

### Instalments Policy

- 6.8 Local authorities have the flexibility to introduce instalments policies for the payment of CIL (regulation 69B of the CIL Regulations 2010, as amended by the 2011 regulations). The flexibility to pay in instalments may help to improve the cash-flow of developments and ensure that those that are of marginal viability proceed. The policy does not have to be subjected to examination along with the Charging Schedule.
- 6.9 Where an instalment policy is not in place, the CIL charge is payable in full 60 days after the intended commencement date of the development (regulation 70). Any instalments policy must require payments a certain number of days after the commencement of development. SDC could not link instalment payments to the completion or occupation of a certain number of dwellings, as has sometimes been the case with s106 contributions.
- 6.10 SDC will consider the benefits and implications of introducing an instalments policy. If it is decided that a policy should be introduced then it will be published to come into force alongside the adopted Charging Schedule.

### Monitoring

- 6.11 Once the CIL Charging Schedule has been adopted, SDC will publish annual reports on:
- the money collected in the financial year;

- the total amount of money spent in the financial year;
  - a summary of
    - what CIL has been spent on;
    - how much money has been spent on each scheme;
    - how much money has been spent to repay funds previously secured to forward fund infrastructure, including on interest payments; and
    - how much money has been spent on administrative costs;
  - the money that remains unspent at the end of the financial year.
- 6.12 The report will be published on the Council's website in the December following the financial year, along with, or as part of, the Council's Annual Monitoring Report for the LDF.
- 6.13 CIL receipts will only be transferred to infrastructure providers that can provide sufficient information to allow SDC to meet these monitoring requirements.
- 6.14 SDC is able to spend a proportion of the CIL receipts on the administration of the scheme. It will ensure that this spending is kept to a minimum to ensure that as much of the money received as possible is spent on infrastructure required to support development in the District.
- 6.15 It is anticipated that town and parish councils will have to report annually on the CIL receipts in the same way that SDC will be required to. This issue should be clarified when the Government publishes additional CIL regulations in 2013. SDC would also propose to report on the CIL receipts paid to town and parish councils on an annual basis.

**Appendix A: Recent Planning Obligations secured for infrastructure provision / contributions**

Applications determined between January 2009 and December 2012:

Application No	Address	Dwellings / Proposal	Decision Date	Types of Contribution		
				Affordable Housing	Total Infrastructure Contributions	Infrastructure Contributions per dwelling
08/02245/OUT	31-37 Park Lane, Kemsing, Sevenoaks, Kent, TN15 6NX	14 dwellings	29/04/2009	No	£30,663.64	£2,190.26
07/01932/FUL	Eden Valley School, Four Elms Road, Edenbridge, Kent, TN8 6AD	40 dwellings and community centre	29/07/2009	Yes (on site)	£92,320	£2,308
08/01915/FUL	Halstead Place School, Church Road, Halstead, Sevenoaks, Kent, TN14 7HQ	33 dwellings	20/02/2009	Yes (on site)	£85,485	£2,758
09/00650/OUT	Sevenoaks Police Station, Morewood Close, Sevenoaks, Kent, TN13 2HX	52 dwellings and 1,228 sq m of office floorspace	06/07/2009	Yes (on site - 21 units)	£30,375	£584.13

09/00274/FUL	St. Bartholomews Hospital Laundry, Bonney Way, Swanley, Kent, BR8 7BL	65 dwellings	27/10/2009	Yes (on site)	£206,520	£3,177.23
09/01319/FUL	Stacklands Retreat House, School Lane, West Kingsdown, Sevenoaks, Kent, TN15 6AN	14 dwellings	30/10/2009	No	£22,512	£1,608
09/01777/FUL	Manordene, Forge Lane, West Kingsdown, Sevenoaks, Kent, TN15 6JD	18 bed residential care home	09/11/2009	n/a	£6,480	£360
09/02322/FUL	Waitrose 58 - 62, High Street Sevenoaks, Kent, TN13 1JR	Supermarket redevelopment (1166 sq m of additional floorspace)	28/01/2010	n/a	£60,000	n/a
09/02415/FUL	Beeches, Mount Harry Road, Sevenoaks, Kent, TN13 3JN	11 dwellings	11/01/2010	No	£19,755	£1,795.95

09/02635/FUL	West Kent Cold Storage, Rye Lane, Dunton Green, Sevenoaks, Kent, TN14 5HD	500 dwellings, 2,300 sq m of commercial floorspace and 460 sq m medical facility	06/05/2010	Yes (on site)	£2,987,099	£5,974
09/02864/FUL	5 Dartford Road, Sevenoaks, Kent, TN13 3SX	11 dwellings	19/03/2010	No	£20,582.50	£1,871.14
10/00998/FUL	5 Dartford Road, Sevenoaks, Kent, TN13 3SX	11 dwellings	26/07/2010	No	£20,582.50	£1,871.14
10/00697/FUL	Deja Vu Nightclub & Restaurant (Formerly The Bull At Birchwood), London Road, Swanley, Kent, BR8 7QB	Hotel and pub / restaurant	30/07/2010	n/a	£15,000	n/a
10/01735/FUL	Former Eden Valley School, Four Elms Road, Edenbridge, Kent, TN8 6AD	40 dwellings and community centre	15/11/2010	Yes (on site)	£92,320	£2,308
10/02968/FUL	94 - 96 London Road, Sevenoaks, Kent, TN13 1BA	12 dwellings	21/01/2011	No	£1,647.83	£137.32



11/02087/FUL	J Sainsbury Plc, Otford Road, Sevenoaks, KENT, TN14 4EG	Extension to supermarket	16/11/2011	n/a	£284,500	n/a
11/02471/OUT	Sevenoaks Police Station, Morewood Close, Sevenoaks, Kent, TN13 2HX	52 dwellings	16/03/2012	yes (on site)	£27,773.72	£534.11
12/01055/FUL	Land rear of Garden Cottages, Leigh	13 dwellings	02/08/2012	yes (on site)	£36,386.28	£2,798.94
12/01279/FUL	Caffyns, 80 London Road, Sevenoaks	Supermarket development	05/09/2012	n/a	£5,000	n/a
11/02258/FUL	Land SW of Forge Garage, High Street, Penshurst	6 affordable dwellings	25/10/2012	all affordable	£3,500	£583.33

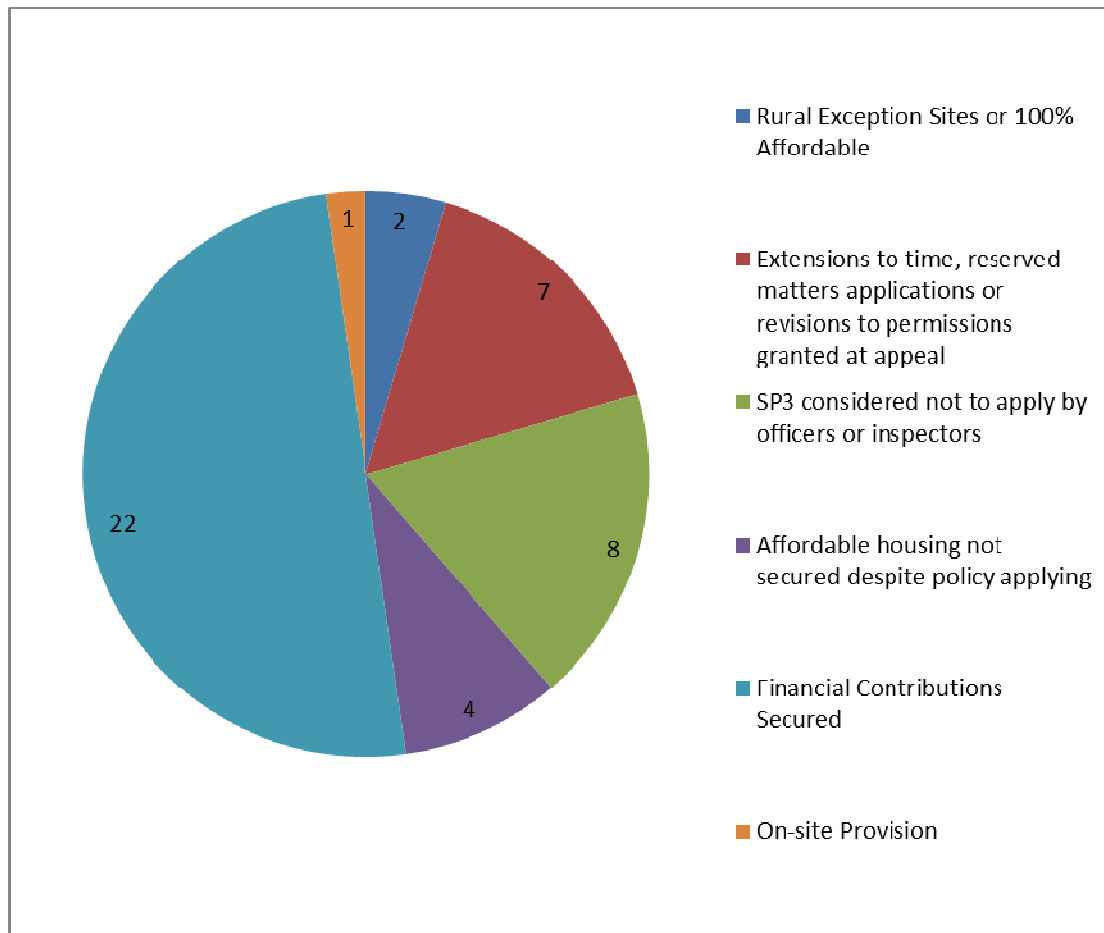
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### Appendix B: Recent affordable housing provision / contributions

Core Strategy Policy SP3 was adopted in February 2011. It requires:

1. In residential developments of 15 dwellings or more gross 40% of the total number of units should be affordable;
2. In residential developments of 10-14 dwellings gross 30% of the total number of units should be affordable;
3. In residential developments of 5-9 units gross 20% of the total number of units should be affordable;
4. In residential developments of less than 5 units that involve a net gain in the number of units a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.

The Council expects that provision is made in accordance with this unless, in exceptional circumstances, a developer can show that the requirement would make development non-viable.



Breakdown of Planning Permissions involving a net gain in dwellings between February 2011 and March 2012.

Planning permission was granted for 44 applications that have involved a net gain in the number of dwellings between February 2011 (the adoption of the policy) and 31 March 2012 (the end of the last monitoring period). Of these, 2 were

rural exceptions sites or sites of 100% affordable housing to which SP3 did not apply.

Of the 42 permissions to which SP3 could have applied, 7 were to extend time limits on a previous planning permission, reserved matters applications or revisions to permissions granted at appeal. SP3 was not applied to these permissions. A further 8 permissions were granted on cases to which officers or a planning inspector accepted a case that SP3 should not apply.

Of the remaining 27 permissions, the Council has been successful in securing affordable housing contributions/provision on 23 permissions. This involved financial contributions on 22 permissions and on-site provision on 1 permission.

The table below shows the financial contributions/provision secured:

Site Address	Planning Permission	Decision Date	Dwellings	Affordable Housing	Financial Contribution
10 Cranmer Road	SE/11/00896	03/06/2011	2	0	£18,294
Woodland Chase Blackhall Lane	SE/11/01002	15/06/2011	1	0	£131,629
West Cross Keys House Ashgrove Road	SE/10/02732	07/07/2011	3	0	£174,018
Land Adj to 12 Vine Court Road	SE/11/01355	26/07/2011	1	0	£43,504
1 Oakhill Road, Sevenoaks	SE/11/01662	24/08/2011	1	0	£17,848
Former Elands Veterinary Clinic Station Road	SE/11/01831	09/09/2011	4	0	£29,000
4 West End	SE/11/02235	19/10/2011	1	0	£9,816
9 Wickenden Road	SE/11/02288	31/10/2011	1	0	£13,267
Land adj to 13 Westways	SE/11/02489	28/11/2011	2	0	£22,310
The Flat Above Options 35A High Street	SE/11/02657	09/12/2011	1	0	£5,354
Former Dukes Factory Chiddingstone Causeway	SE/11/02613	16/12/2011	4	0	£20,000
3 St Edmunds Cottages Fawkham Road	SE/11/02837	30/12/2011	1	0	£6,916

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101 High Street	SE/11/01709	11/01/2012	1	0	£4,961
26 Woodside Road	SE/11/01651	10/02/2012	1	0	£10,709
Former Bake House 9 High Street	SE/11/02312	13/02/2012	1	0	£9,071
Flat 2 73 Bradbourne Park Road	SE/11/02999	06/03/2012	2	0	£2,900
104 Seal Road	SE/12/00108	16/03/2012	3	0	£20,133
Sevenoaks Police Station Morewood Close	SE/11/02471	16/03/2012	52	21	40% on-site provision
High Wills Hays Main Road	SE/11/02698	19/03/2012	1	0	£15,617
Woodlands 42 Childsbridge Lane	SE/11/03068	27/03/2012	1	0	£22,310
33 Glebe Place	SE/11/01656	28/03/2012	1	0	£11,155
Kentish Yeoman The Kentish Yeoman 10-12 High Street	SE/11/01735	29/03/2012	5	0	£25,000
12 Farm Road	SE/11/02570	30/03/2012	1	0	£8,700

Appendix C: Comparison of the floorspace of stores considered to meet the definition of a retail warehouses with stores selling similar goods that are not considered to be retail warehouses

Non-Retail Warehouse				Retail Warehouse			
Store	Gross Floorspace (sq m)	Net (Sales) Floorspace (sq m)	Source	Store	Gross Floorspace (sq m)	Net (Sales) Floorspace (sq m)	Source
John's House Furnishers, St John's, Sevenoaks	198		GIS	Wickes, Otford Road		2300	Retail Study Update 2009
Bathstore, Dunton Green	260		GIS	Currys, Otford Road		750	Retail Study Update 2009
Bathstore, Swanley	337		SE/03/00318	Carpetright, Otford Road		500	Retail Study Update 2009
Freeland Tiles, Dunton Green	96		GIS	Homebase, Riverside Retail Park		2960	Retail Study Update 2009
Oaks Flooring, St John's, Sevenoaks	73		GIS				
Chartwell Kitchens, Brasted	80		GIS				
Pets, Pantry & Hardware, New Ash Green	80		GIS				
Kitchen Gallery, Otford	73		GIS				

The Following stores have been excluded from this assessment due to the information on net floorspace from the Retail Study Update 2009 not being considered to be accurate:

- Halfords, Riverside Retail Park (sales floorspace of 190 sq m)
- Pets at Home, Riverside Retail Park (sales floorspace of 127 sq m)

Appendix D: Comparison of the floorspace of stores considered to meet the definition of a supermarket/superstore with stores selling similar goods that are not considered to be supermarkets/superstores

Convenience Store					Supermarket				
Store	Gross Floorspace (sq m)	Net (Sales) Floorspace (sq m)	Net convenience floorspace (sq m)	Source	Store	Gross Floorspace (sq m)	Net (Sales) Floorspace (sq m)	Net convenience floorspace (sq m)	Source
Budgens, Hartley	210			GIS	Sainsbury's, Otford Rd	10622	6502		SE/11/02087
Village Post Office and Stores, Hextable	188			GIS	Tesco, Dunton Green	7316	4560	2966	Retail Study 2009
Premier Convenience Store, Kemsing	126			CIL Viability Assessment	Waitrose, Sevenoaks		2298		SE/09/02322
One Stop, Otford	188			CIL Viability Assessment	Tesco, Sevenoaks		1808	1627	Retail Study 2009
Co-op, West Kingsdown	276			CIL Viability Assessment	Co-op, Edenbridge		1115	1059	Retail Study 2009
Marks & Spencer, Sevenoaks		294	294	Retail Study 2009	Asda, Swanley	8612	5343	3741	Retail Study 2009
Tesco, Edenbridge		413		Retail Study 2007	Aldi, Swanley	1211	990		Retail Study 2007
Co-op, Westerham	300			GIS	Lidl, Sevenoaks	1918	1280		SE/12/01279
					Co-op, New Ash Green	802			GIS

## Appendix E: Estimate of CIL Receipts

### Dwellings remaining to achieve Core Strategy Housing Target (from 2012 AMR)

Note: The inclusion of sites in this assessment does not indicate that the Council will allocate them for development or allocate them for the quantum of development set out. These sites are taken from the Council's 2012 Annual Monitoring Report, which provides an indication of how the Council may be able to meet its housing requirements.

Identified Sites	Dwellings	Affordable Housing%	Market Dwellings	Zone
<b><u>Sevenoaks</u></b>				
Hitchen Hatch Lane	17	40	10	A
Land West of Bligh's Meadow	22	40	13	A
Greatness Mills, Mill Lane	20	40	12	A
Cramptons Road Water Works	50	40	30	A
Johnsons (School at Oak Lane/Hopgarden Lane)	18	40	11	A
Sevenoaks School at Oak Lane & Hopgarden Lane	19	40	11	A
BT Exchange	25	40	15	A
Sevenoaks Gasholder Station Cramptons Road	35	40	21	A
<b><u>Swanley</u></b>				
Bus Garage & Kingdom Hall, Swanley	30	40	18	B
Land West of Cherry Avenue	50	40	30	B
United House, Goldsel Road	250	40	150	B
Bevan Place	46	40	28	B
<b><u>Edenbridge</u></b>				
Station Approach	20	40	12	B
<b><u>Rest of District</u></b>				
Foxs Garage, London Road	15	40	9	A

57 Top Dartford Road	14	30	10	B
Land rear of Garden Cottages	13	30	9	A
New Ash Green Village Centre	50	40	30	B
Manor House, New Ash Green	30	40	18	B
Warren Court Farm, Halstead	15	40	9	B
Glaxo Smith Kline, Leigh	75	40	45	A
Land at Croft Road, Westerham	15	40	9	A
Currant Hill Allotments, Westerham	20	40	12	A
Land West of London Road, Westerham	30	40	18	A

<b>Windfalls</b>				
Sevenoaks	198	10	198	A
Swanley	36	10	36	B
Edenbridge	72	10	72	B
Rest of District	126	10	126	50 / 50

Zone A

Total Number of Market Dwellings on Identified Sites	225
Windfalls (assumed to be on small sites and therefore not providing on site affordable housing)	261
Total Market Dwellings to be granted PP	486
Percentage assumed to be permitted before 2014 (2/14)	14.3%
Dwellings on which CIL is assumed payable	417
Annual delivery of market dwellings per annum until 2026 (12 years)	35

Assumed Residential Floorspace on which CIL is payable per dwelling

Average floorspace of newly build dwellings (CABE)

76 sq m



Assumed percentage of new build floorspace that is replacing existing floorspace on the site (and therefore excluded from the charge) 10%

Note: there is no objective basis for this figure

Assumed floorspace on which CIL is payable per dwelling 68 sq m

Potential Receipts from CIL - Implications of Different CIL Rates for Residential Development in Zone A

£25 per sq m

Per Dwelling = £1,710  
Total = £712,337  
Per Annum = £59,361

£50 per sq m

Per Dwelling = £3,420  
Total = £1,424,674  
Per Annum = £118,723

£75 per sq m

Per Dwelling = £5,130  
Total = £2,137,011  
Per Annum = £178,084

£100 per sq m

Per Dwelling = £6,840  
Total = £2,849,349  
Per Annum = £237,446

£125 per sq m

Per Dwelling = £8,550  
 Total = £3,561,686  
 Per Annum = £296,807

Zone B

Total Number of Market Dwellings on Identified Sites	305
Windfalls (assumed to be on small sites and therefore not providing on site affordable housing)	171
Total Market Dwellings to be granted PP	476
Percentage assumed to be permitted before 2014 (2/14)	14.3%
Dwellings on which CIL is assumed payable	408
Annual delivery of market dwellings per annum until 2026 (12 years)	34

Assumed Residential Floorspace on which CIL is payable per dwelling

Average floorspace of newly build dwellings (CABE) 76 sq m

Assumed percentage of new build floorspace that is replacing existing floorspace on the site (and therefore excluded from the charge) 10%

Note: there is no objective basis for this figure

Assumed floorspace on which CIL is payable per dwelling 68 sq m

Potential Receipts from CIL - Implications of Different CIL Rates for Residential Development in Zone B

£25 per sq m

Per Dwelling	=	£ 1,710
Total	=	£ 697,680
Per Annum	=	£ 58,140

£50 per sq m

Per Dwelling	=	£ 3,420
Total	=	£1,395,360
Per Annum	=	£ 116,280

£75 per sq m

Per Dwelling	=	£ 5,130
Total	=	£2,093,040
Per Annum	=	£ 174,420

£100 per sq m

Per Dwelling	=	£ 6,840
Total	=	£2,790,720
Per Annum	=	£ 232,560

£125 per sq m

Per Dwelling	=	£ 8,550
Total	=	£3,488,400
Per Annum	=	£ 290,700

Total Based on £125 per sq m in Zone A and £75 per sq m in Zone B

Total	=	£5,654,726
Per Annum	=	£471,227

Total Based on £75 per sq m District-wide

Total	=	£4,230,051
Per Annum	=	£352,504