

Respondent Name	Comment ID	Officer's Summary	SDC Proposed Response
Background			
Wealden Homes	CILPD3	<p>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.</p> <p>The document needs to clarify how fractions of m2 are rounded.</p> <p>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.</p> <p>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.</p> <p>Detailed changes to paragraphs 2.4, 2.5 and 2.9 are suggested.</p>	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.
Infrastructure Requirements and Use of CIL Receipts			
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>	
Kent County Council	CILPD106	<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	<p>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.</p>	<p>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.</p>
Kent Wildlife Trust	CILPD101	<p>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.</p>	<p>Support noted. The Council will consider the case for funding biodiversity improvement schemes that are promoted by organisations such as Kent Wildlife Trust.</p>

Oxford Parish Council	CILPD35	<p>Additional Schemes:</p> <ol style="list-style-type: none"> 1. Build new primary school on outskirts of village with provision for staff cars 2. Traffic Calming by use of Shared Space; delineated by block paving 3. Building of retirement homes for long term aging Oxford population 4. Development of green car park 5. Creation of a toddlers' playground at Hale Lane 6. Maintenance of existing toddlers' playground equipment in village centre 7. Develop the Palace Tower and Palace Field as an historical asset 8. Facilities to produce printed and audio materials for the audio and visually impaired 9. Re-instate road and drains in Tudor Drive and Crescent 10. Siting of VAS for speed reduction of incoming traffic to Oxford on the Shoreham Road 11. Siting of a SID in Pilgrims Way East together with width and weight restriction signs 12. Outdoor gym equipment i.e. Various keep fit equipment adjacent to a pathway around the outside of Oxford recreation ground 13. Development of cycle ways around the village 14. Acquisition of a youth centre 15. Skate park and zip wire 	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.</p> <p>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.</p> <p>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.
Development Viability			
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 ² in certain areas and £75/m ² 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 ² in certain areas and £75/m ² 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>
Proposed CIL Charge			
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/m² in certain areas and £75/m² 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.

<p>Planning Potential Ltd</p>	<p>CILPD83</p>	<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>
<p>Sainsbury's Supermarkets Ltd c/o WYG</p>	<p>CILPD104</p>	<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 279m²; has no discernibly different intended use from one of 281m². 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. The retail warehousing scenario in the Viability Assessment unrealistically assumes that a 2,500m²; 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 2,500m² 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>
Exemptions and Relief			
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	<p>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.</p> <p>Q13 - Exceptional circumstances for relief should be justified on a case by case basis following assessment by a qualified officer and local representatives.</p>	<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.</p>
Crockenhill Parish Council	CILPD80	<p>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.</p> <p>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.</p> <p>Affordable housing and provision by charities should be exempt.</p>	<p>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.</p>
Edenbridge Town Council	CILPD21	<p>Agree that development by a charity where the profits would be used for charitable purposes should be exempt.</p> <p>Buildings for community use should be exempt or offered relief.</p>	<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. Buildings for community use will not be charged CIL under the Council's proposals.</p>
Environmental Agency	CILPD95	<p>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.</p>	<p>This does not appear to be in accordance with the CIL Regulations.</p>
Eynsford Parish Council	CILPD45	<p>Support relief for charities where profits from development would be used for charitable purposes but not relief in exceptional circumstances.</p>	<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.</p>

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>	<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.</p>
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>	<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.</p>
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>	<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.</p>
Monitoring and Reporting			
Wealden Homes	CILPD5	<p>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.</p>	<p>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.</p>
Brasted Parish Council	CILPD32	<p>Parish Councils should be monitored in their spending of monies however this should not place an additional administrative burden on small councils.</p>	<p>Noted. It is understood that this issue will be addressed in revised CIL Regulations.</p>
Crockenhill Parish Council; Eynsford	CILPD81 CILPD46 CILPD92 CILPD13	<p>Monitoring arrangements for SDC are appropriate and similar arrangements should be put in place for town and parish councils.</p>	<p>Noted. It is understood that this issue will be addressed in revised CIL Regulations.</p>

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.
Implementation			
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>