

Schedule of Representations – August 2021 (Charging Schedule Order)

Representation Reference: Name:	Refers to:	Legal compliance and soundness:	Comments:	Suggested changes by consultee:	Officer Comments:
Representation Reference: CIL-REF001.1 Name: Dooba Developments Limited on behalf of the landowner of the Vesuvius site	Refers to: CIL Tariff Flat Rate	Legal compliance and soundness: Not specified.	Comments: Vesuvius is the largest speculative scheme of such scale and quality in Worksop. Further phases of major development are anticipated for the remainder of the site. Note and support the principle of a flat rate charge across the District as opposed to the differential charge currently in operation.	Suggested changes: None	Officer comments: Noted.

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Representation Reference: CIL-REF001.2 Name: Dooba Developments Limited on behalf of the landowner of the Vesuvius site	Refers to: CIL Tariff A1 Food Retail	Legal compliance and soundness: Not specified.	Comments: For retail note the proposed charge remains at £100/sqm. Paragraphs 3.19 and 3.20 state that 'Convenience' retail is a shop selling everyday essential items, including (but not limited to) food, drinks, newspapers/magazines and confectionary, and only convenience A1 food supermarket retail can secure CIL as part of a viable development. The actual Draft Charging Schedule identifies that 'A1 Retail Convenience' will be charged at £100/sqm. This contradicts the supporting text at paragraph 3.20. It is essential that schedule reflect one another. Given the economic changes that have been occurring across the retail sector, particularly non-food retail, introducing concerns over viability	Suggested changes: General A1 retail should not attract a CIL charge. Paragraph 3.12 contradicts the Charging Schedule. Amend the Charging Schedule to clarify that only A1 food supermarket retail attracts the CIL charge.	Officer comments: CIL charge only applies to food supermarket A1 retail. It is acknowledged this point could be clearer; a proposed suggested change to the schedule will address this matter.

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Representation Reference: CIL-REF001.3	Refers to: CIL Charging Schedule – new Use Classes Order	Legal compliance and soundness: Not specified.	Comments: In light of the changes to the use class order, the CIL schedule should reflecting the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 – thus A1 would become E(a), albeit with the caveat that the charge only relates to food supermarket retail and not general convenience or comparison retail.	Suggested changes: Amend the CIL Charging Schedule to reflect the new Use Classes set out in Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.	Officer Comments: It is considered that a proposed suggested change will ensure the use classes in the CIL Charging Schedule reflect the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
Representation Reference: CIL-REF002.1	Refers to: CIL	Legal compliance and soundness: Not specified.	Comments: Sport England does not wish to make any comments on the draft charging schedule.	Suggested changes: None.	Officer Comments: Noted.
Representation Reference: CIL-REF003.1	Refers to: CIL charge relating to retail development	Legal compliance and soundness: Unsound	Comments: There are numerous shortcomings in the viability evidence relating to the foodstore CIL tariff with several cost omissions which render the conclusions unreliable, there are numerous assumptions that are not supported by evidence and different	Suggested changes: Amend the CIL viability evidence to: Floor area / site coverage: Reduce from 33% to 20% (resulting in site area for foodstore typology of 3,000	Officer Comments: It is considered that the assumptions used within the Whole Plan Viability Assessment are appropriate.

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			<p>assumptions are justified. There are omissions from the valuation methodology applied to the foodstore development typology. Purchaser's costs omitted on investment valuation. Purchaser's costs omitted on land sale valuation. Tenant incentives omitted. No void cost allowance for empty rates/non recoverable service charge. No cashflow. Abnormal costs are not inserted as cost items. No testing of real-world sites. Believe there to be a justification for adjustments: Site density – the supermarket typology is based on 33% site coverage (3,000 sq m on 0.9 ha). Generally, supermarkets require a more spacious environment due to parking, servicing and circulation requirements and a range of 20-25% is more typical. Adjusting site coverage would increase the site area required to accommodate the 3,000 sq m GIA foodstore, increasing the benchmark land costs against which the CIL overage figure is calculated (and reducing the CIL overage). The rent assumption of £170 per sq m is not representative of the rental deals being achieved, possibly based on the rental commitments made by the big 4 operators prior to the retrenchment of the foodstore sector. Refers to foodstore</p>	<p>sq m increasing from 0.9 ha to 1.5ha) Purchaser's costs on investment sale: 6.8% deduction from investment value to allow for Stamp Duty 5%, Agents and legal fees and VAT (1.8%) Purchaser's costs on land sale: Deduction from gross residual land value to allow for Stamp Duty, Agents and legal fees and VAT (1.8% + SDLT) Rent: Reduce to £140 psm Tenant incentives: Allowance for 12 months' rent free either as cost in appraisal or as deduction from capital value Build costs: Adjust to £1513 per sq m Professional fees: 10% (adjusted from 7%) Contingencies: 5% (adjusted from 3%) S106/S278 allowance: Include £433,000 costs of off-site highway works</p>	

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			<p>based lease transactions from February 2015 within the North East Midlands/South Yorkshire and surrounds from Co-Star: rents from £129 psm to £151 psm; an average of £140 psm. Build cost allowed for is £1249 psm. BCIS figures for supermarkets 'Generally' (median) rebased for Bassetlaw, as at 9th October 2021, are £1513 psm. Experience of Local Plan and CIL examinations shows that BCIS median costs are generally accepted as the authoritative position on build costs in the absence of site specific QS estimates. Abnormal allowances – Gleeds provide an allowance of £231,000 per ha for abnormal to cover site remediation, foundations, utilities, flood attenuation, biodiversity mitigation and access works. As the assumed foodstore site typology is a 0.9ha site, the total abnormal cost assumed is £207,900. But the abnormal costs estimated by Lidl for the foodstore at Carlton Road totals £372,000 against 0.985 ha (£378,000 per ha) at February 2020 prices. S106 allowance of £11 psm is inadequate for the mitigation usually associated with car orientated foodstore schemes which require substantial off-site highway mitigation costs. A S278</p>	<p>Abnormal site costs: Increase to £566,000</p>	

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Representation Reference: CIL-004.1 Name: Laing O'Rourke	Refers to: CIL Charge for employment development	Legal compliance and soundness: Not specified	Comments: The existing £15/sqm rate (plus indexation) for Class B1b/c, B2, B8 has unquestionably hindered economic development and job creation on sites such as Explore Industrial Park. Support the nil rate for traditional B-class development and encourage adoption at the earliest possible opportunity.	Suggested changes: None	Officer comments: Noted.
Representation Reference: CIL-005.1 Name: D Kitson Planning	Refers to: CIL	Legal compliance and soundness: Not specified	Comments: The reduction, and in some cases removal, of CIL on some forms of development is welcome although infrastructure provision is an important aspect of planning. The CIL documents should be supported by schedule of infrastructure projects that will benefit from CIL, previously known as the Regulation 123 List. These projects are	Suggested changes: None	Officer comments: CIL projects and associated expenditure is reported annually through the Infrastructure Funding Statement. Many rural communities have made neighbourhood plans, as

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Name:			identified by District and County Council public/community involvement is nil. The Local Plan justifies limiting rural development by stating that services etc and infrastructure provision is poor. Directing CIL to rural services may be better value than some of the others on the list. This would help villages survive and become more attractive to families, particularly if included upgrades in public transport.		such the communities retain 25% of the CIL receipts to spend on infrastructure in the locality.
Representation Reference: CIL-REF006.1 Name: Historic England	Refers to: CIL Charging schedule	Legal compliance and soundness: Not specified	Comments: No comments to make on the draft Charging Schedule.	Suggested changes: None	Officer comments: Noted.
Representation Reference: CIL-007.1 Name: Nottinghamshire County Council	Refers to: CIL tariff for Highway Improvements	Legal compliance and soundness: Not specified	Comments: It is BDC's intention to apply a zero CIL charge to Local Plan allocations of 50 dwellings and above owing to matters of viability on larger sites. This will have a serious impact on the level of CIL which can be accrued over the plan period. The estimated funding gap is £89 million. Paragraph 4.1 of the Draft Charging Schedule confirms that 3639 units will be delivered through Local Plan allocations to 2037 and 4.2 calculates some £18 million of	Suggested changes: The County Council wishes to see a mechanism established to enable proportionate developer contributions from the largest allocations in the Worksop area towards strategic highway improvements focussing on the priority interventions along the A57 corridor.	Officer comments: It should be noted that the IDP accompanying the May 2022 Second Addendum provides an up to date position with regard to the funding gap, anticipated developer contributions and CIL contributions from Local Plan growth. The Whole Plan Viability

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			<p>CIL funding to be accrued over the Plan Period from the LP housing trajectory. This does not appear to have deducted the effect of zero Levy on the largest sites which the charging schedule proposes. The largest sites will deliver 2996 units. This will only leave 643 allocated dwellings eligible for CIL resulting in only £1.1m to be generated from Local Plan. There will be windfall which will add to this, but it does not deduct affordable dwellings nor the local element. The Bassetlaw Transport Study recommends that CIL contributions are sought from future development within the District towards the strategic transport improvements identified including the A57. Supportive of this project and has identified it in the emerging Nottinghamshire Strategic Infrastructure Plan, there is no funding which are necessary to help mitigate the impact of Local Plan allocations. The largest allocations have been judged to be unable to afford CIL as well as the level of site-specific infrastructure requirements identified in the IDP. The IDP does not reference the strategic highway improvements in the Bassetlaw Transport Study but does reference contributions to</p>		<p>Assessment 2022 confirms the position relating to CIL eligible sites. The Bassetlaw Transport Study 2022, accepted by the Local Highways Authority states the appropriate mechanisms that can be used to secure funding from development for strategic transport infrastructure; including developer contributions and CIL. The Council welcome NCC's offer to work jointly to progress the improvement plan; the Council facilitate the A57 Improvement Plan Project Group in partnership with NCC, National Highways and relevant authorities. The Bassetlaw Transport Study has identified the traffic impact of relevant Local Plan site allocations and</p>

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			<p>secondary education (which are currently CIL funded). There is no mechanism to enable developer contributions from the largest allocations to strategic highway improvements. S278/38 is mainly connected with highway improvements closely linked to development sites. Wish to see a mechanism established to enable proportionate developer contributions from the largest allocations in the Worksop area towards strategic highway improvements. Object to the current proposals which reduce considerably CIL available to implement strategic highway improvements. Will work with BDC to develop an agreed mechanism under which appropriate larger sites make a proportionate and justified contribution towards the A57 Corridor and other strategic transport improvements. These would be pooled through S106 and the County Council and Bassetlaw will seek to other funding.</p>		<p>proportionate contributions towards mitigation including to address impacts upon the A57. The A57 Improvement Plan is a longer-term plan that will look at wider improvements to the link between the M1 and A1 in consultation with other relevant partners. The work programme and timetable has been agreed with NCC and partners.</p>
<p>Representation Reference: CIL-008.1 Name: Coal Authority</p>	<p>Refers to: CIL</p>	<p>Legal compliance and soundness: Not specified</p>	<p>Comments: No specific comments to make on this document.</p>	<p>Suggested changes: None</p>	<p>Officer comments: Noted.</p>

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Name: Representation Reference: CIL-009.1 Name: Hallam Land Management	CIL	Legal compliance and soundness: Not specified	Comments: The recognition that the strategic allocation at Peaks Hill Farm would not be viable with CIL and should be exempted is supported.	Suggested changes: None	Officer comments: Noted.
Representation Reference: CIL-010.1 Name: Welbeck Estates	CIL	Legal compliance and soundness: Not specified	Comments: Reduced the level of CIL by £5.00 for residential development this will disenfranchise small and medium housebuilders who would typically work on smaller sites. It is unusual for developments 50 or more for the CIL rate to be zero. Larger developments create the most impact on services facilities so should make a proportionate contribution to CIL as well. Unless this imbalance is addressed, the CIL charging schedule is not Positively prepared, Justified, Effective.	Suggested changes: No suggested changes, but comments suggest removing the CIL charge for small housing schemes.	Officer comments: It is considered that the approach taken to CIL and larger sites is consistent with national planning practice guidance and has been applied elsewhere. The exemption is proposed because the level of site specific/related infrastructure is expected to be high in these locations and S06 agreements are the most appropriate mechanism by which to secure such infrastructure. Smaller sites in general generate less impact so have lower S106

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Representation Reference: CIL-REF011.1 Name: DHA Planning on behalf of landowner	CIL	Legal compliance and soundness: Not specified	Comments: Support the proposal to set a nil rate for traditional B-class employment development in the new charging schedule and encourage adoption of the new schedule at the earliest possible opportunity.	Suggested changes: None	Officer comments: Noted.