



Backwell Parish Council

1st Floor
43 Rodney Road
Backwell
North Somerset
BS48 3HW

Tel: 01275 464653

Email: clerk@backwell-pc.gov.uk

Website: www.backwell-pc.gov.uk

Our Ref: JDS

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North Somerset Council Consultations
Weston-super-Mare

Dear Sirs

Re: Community Infrastructure Levy (CIL) Draft Charging Schedule

Following the publication of the North Somerset Council CIL Draft Charging Schedule, Backwell Parish Council as part of the consultation process make the following comments.

Although the proposed NSC CIL charging document, on the surface appears that there would be little impact on Parish and Town Councils, we have concerns over the following statement:

0. "The existing Section 106 (S106) system of planning obligations will remain in place, but will be scaled back to ensure that CIL is the key mechanism for pooled infrastructure funding."

CIL was originally being designated as a full replacement for Section 106 and this was further prompted through the Localism Act in that Parish and Town Councils who had Neighbourhood Plan would get higher amounts from new developments through CIL than the current arrangements allowed:

The proportion that is passed on is 15%, or 25% for those areas that have an adopted Neighbourhood Plan. Town and Parish Councils may use their CIL income for the "*provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on an area.*"

Backwell Parish Council is concerned that If CIL is now being prompted as “*the Key mechanism for pooled infrastructure funding*” that Parish and Town Councils will not get an adequate increased share especially as the CIL paid by developers will go into a North Somerset Council wide fund used to supplement the councils infrastructure funding shortfalls. This is backed up from the various financial statements and support information contained within the draft document and its appendices.

This along with the scaling down of Section 106 make Backwell Parish Council concerned this could mean that Parish and Town Councils will suffer the ever increasing impacts of new developments without receiving any real significant benefit to offset it for their residents.

Backwell Parish Council would in the interest of clarification request that it is made clear that as proposed Parish and Town Councils will actually receive their full CIL income from new developments prior to North Somerset Council adding the CIL to their pooled infrastructure funding pot when this proposed CIL Charging Schedule is fully implemented by North Somerset Council.

Backwell Parish Council answers to the questions contained within the Draft Document and shown in order in Appendix D of the Draft are as follows:

1. In line with the legal tests, do you think the CIL rates proposed in the Draft Charging Schedule at Appendix A strike an appropriate balance between:

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

Looking at Appendix A proposed charges Backwell Parish Council comments are:

Commercial (B1/B2/B8) developments should have the same charge raised as per small scale retail - £60/m2.

All other qualifying developments should have a minimum £40/m2 charge - especially as by their vary designation they qualify.

The rest of the charges as they stand seem fair and reasonable and strike on the whole an appropriate balance.

2. Do you agree with North Somerset’s proposal not to introduce a policy for phasing of CIL payments? What are your reasons?

Backwell Parish Council does agree with the NSC proposal regarding phasing of CIL payments.

Our reasons are as stated by NSC within their draft statement:

CIL phasing policies cannot be adjusted on a case-by-case basis and NSC's understanding is that they cannot relate to occupation levels. NSC is sympathetic to cashflow issues, but rates have been proposed to be within the limits of viability and the impact on developers needs to be balanced against the community's need for timely delivery of infrastructure. Phased payments would increase administrative costs.

However, Backwell Parish Council also agrees as suggested that this should be kept under review.

3. Do you agree with North Somerset's proposal not to introduce a discretionary charitable relief policy? What are your reasons?

Backwell Parish Council does agree with the NSC proposal regarding not to introduce a discretionary charitable relief policy.

Our reasons are as stated by NSC within their draft statement:

That in order to maximise the certainty of funding to support infrastructure provision and to minimise administrative burdens, North Somerset Council is not intending to permit discretionary charitable relief. This can be kept under review and a relief policy could be introduced in the future (without a requirement for public examination), should the council wish to do so.

4. Do you agree with North Somerset's proposal not to introduce an exceptional circumstances relief policy? What are your reasons?

Backwell Parish Council does agree with the NSC proposal regarding not to introduce an exceptional circumstances relief policy.

Our reasons are as stated by NSC within their draft statement:

North Somerset Council consulted on the option for exceptional circumstances relief through its PDCS consultation. As with charitable relief, some respondents argued that case-by-case decisions should be made. This is not possible – either the process is allowed or not allowed; if allowed the decision falls to a Planning Inspector, not NSC.

On the basis of the consultation responses and changes in government legislation, it is proposed that the PDCS approach be continued, i.e. that North Somerset does not permit exceptional circumstances relief. This will maximise the certainty of funding to support infrastructure provision and minimise administrative burdens.

This decision will be kept under review. Should circumstances in the future demonstrate that reliefs or phasing policies would be of benefit it is possible to introduce them without the need for further consultation or independent examination.

5. Do you think the draft Regulation 123 List provides a clear understanding of the infrastructure that might be funded through the CIL?

Backwell Parish Council does agree with the NSC the draft Regulation 123 List provides a clear understanding of the infrastructure that might be funded through the CIL.

Our reasons are as stated by NSC within their draft statement and that Town and Parish

Councils receiving CIL income are subject to different restrictions from North Somerset Council and are not restricted by the Draft Regulation 123 List.

6. Do you think the draft Regulation 123 List strikes the right balance between CIL contributions and Section 106 planning obligations?

Backwell Parish Council does agree with the NSC the draft Regulation 123 List strikes the right balance between CIL contributions and Section 106 planning obligations.

Yours faithfully

Jane Stone