Consultation: Community Infrastructure Levy (CIL) – Draft Charging Schedule

This is a comment by Wrington Parish Council in response to the public consultation on the proposed Community Infrastructure Levy (CIL) Draft Charging Schedule.

As requested, our response is in the form of statements related to the six questions raised in the consultation document. However, we feel that the consultation document is not clear in several areas and, as a result, it is difficult to make a reasoned comment on some issues. Hence our relatively short response.

**Question 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:**

- **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**
- **The potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across North Somerset?**

We see no justification for excluding commercial development (B1/B2/B8) from CIL, especially when no explanation is provided. In contrast, we note that the CIL rate proposed for large scale retail development is the highest at £120/m2.

As commercial development obviously creates traffic movements which impact on the highway infrastructure, it is hard to see why it is suggested that no charge whatsoever should be made to offset these impacts. It is in the best interests of the residents and council tax payers of North Somerset that all commercial development should contribute CIL, at least to some extent.
**Question 2: do you agree with North Somerset’s proposal not to introduce a policy for phasing of CIL payments? What are your reasons?**

We support NSC’s intention not to phase CIL payments. We note that the previous consultation resulted in opposing arguments, no doubt with these made on behalf of developers. However, it is clearly in the best interests of NSC, existing rate payers and the residents of North Somerset to ensure that CIL payments are made as and when required, with no provision allowed for delay or potential avoidance.

**Question 3: do you agree with North Somerset’s proposal not to introduce a discretionary charitable relief policy? What are your reasons?**

We agree with NSC’s proposal not to introduce a discretionary charitable relief policy at this time, although we agree that this might be kept under review.

**Question 4: do you agree with North Somerset’s proposal not to introduce an exceptional circumstances relief policy? What are your reasons?**

We support this proposal. If it’s agreed that there will be an exceptional circumstances relief policy then it seems inevitable that developers will argue that their particular circumstances or development qualify. It could reasonably be expected that in evaluating the viability of any scheme a developer should include CIL in the cost estimate. As the purpose of CIL is to provide finance for related infrastructure or to offset its impacts it is self-evident that there should be no avoidance mechanism provided.

**Question 5: do you think the draft Regulation 123 List provides a clear understanding of the infrastructure that might be funded through the CIL?**

As these are closely linked we will make one brief combined comment, as follows.

Bearing in mind that it is stated ‘CIL income may be used by North Somerset Council for the ‘provision, improvement, operation or maintenance of infrastructure’; we were surprised to see some of the items specifically excluded from the Regulation 123 List.

In fact, several of the excluded items appear to us to relate directly to the potential impacts of and infrastructure needs of development. For example, we would always expect to see the following included:
- On-site access and highway provision.
- On-site and near-site sustainable transport access (bus stops, foot & cycleways).
- On-site/near site flood mitigation and drainage schemes.

We recommend that the Regulation 123 List is amended to include these items and we specifically object to their exclusion from the List.

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Please let us know if you would like further information on any of the points made above.

Yours faithfully

(sent by email)

Fiona Burke
Clerk, Wrington Parish Council