

## **Community Infrastructure Levy**

Draft Charging Schedule

Consultation Report: Response to Representations

November 2012

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**Statement of Representations (Regulation 19(b))**

**Representations Period:** 27 July to 5:00PM 7 September 2012

Barnet received **24** Representations within the consultation period.

A further **3** representations were received outside of the permitted consultations time. The comments were acknowledged but will not be formally responded to in this document.

**1** representation made the request to be heard by the examiner:

<b>List of respondents:</b>	
Berkeley & St. George	UBS Global Asset Management (UK) Ltd
Savills	British Library
Legal & General Life Fund Limited Partnership	Asda Stores Limited
Scottish Widows Investment Partnership Property Trust Fund	London Fire and Emergency Planning Authority
Andrew Scott Associates	A2Dominion Group
Brent Cross Cricklewood Development Partners	The Canal & River Trust
McCarthy & Stone Retirement Lifestyles Ltd	Highways Agency
Natural England	Mayor of London
Barnet & Southgate College	Sainsbury's Supermarkets Ltd
Mayor's Office for Policing and Crime / Metropolitan Police Service	The Association of Asian Muslim Ladies
Middlesex University	Mill Hill Preservation Society
London Borough of Bexley	Hertsmere Borough Council
<b>List of respondents received outside the permitted consultation time:</b>	
Pocket	Signature Senior Lifestyle
English Heritage	
<b>1 representation made the request to be heard by the examiner:</b>	
Mayor of London	

The consultation focussed on the five questions that will be tested at the formal examination.

1. Appropriate range of evidence
2. Appropriate interpretation of evidence
3. Overall rate proposed is appropriate
4. Rate consistent with the evidence
5. Rate will not cause borough wide developments to be unviable.

### **Summary of Main Issues**

- £135 flat rate across all development
- Community uses
- Interpretation of evidence
- Exceptional Circumstances Relief
- Instalments
- Use of CIL funding

*Note: A number of respondents did not complete the question form. These have been reviewed and, where it is considered they raise issues under other questions, they have been copied under those questions.*

*Some representations referred to their previous PDCS representations. They were not repeated here, and the responses can be found in the PDCS Consultation Report.*

<b>Question 1</b>	<b>Is the range and content of the evidence appropriate?</b>
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	<b>Organisation</b>	<b>Comment</b>	<b>Council's Response</b>
<b>1</b>	Berkeley and St George	Yes. It would be appropriate to ensure there is a regular review of viability for different land uses across the Borough so that future CIL rates reflect the market realities of bringing forward viable development in the lower value areas of the borough.	The Councils recognises the importance of regular reviews, it is the intention of the Council to have a Charging Schedule that is relevant, and reflects the changing needs and demands of the borough.
<b>2</b>	UBS Global Asset Management (UK) Ltd	Yes.	Noted.
<b>3</b>	Savills	No comment.	
<b>4</b>	British Library	Yes	Noted.
<b>5</b>	Legal & General Life Fund Limited Partnership	No Comment.	
<b>6</b>	Asda Stores Limited	No Comment.	
<b>7</b>	Scottish Widows Investment Partnership Property Trust Fund	No comment.	
<b>8</b>	London Fire and Emergency Planning Authority	No Comment.	
<b>9</b>	Andrew Scott Associates	No Comment	
<b>10</b>	A2Dominion Group	No.	Noted.
<b>11</b>	Brent Cross Cricklewood Development Partners	No Comment	
<b>12</b>	The Canal & River Trust	No Comment.	

	Organisation	Comment	Council's Response
13	McCarthy & Stone Retirement Lifestyles Ltd	No. The report [evidence base] does not provide the detailed viability appraisals themselves and what all assumptions and inputs have been used. In the case of retirement housing for example 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.	The Council cannot consider every specific development situation within the borough, and therefore having assessed housing by 'area' as well as considering alternative accommodation arrangements such as residential institutions and HMOs, that to separately assess owner-occupied older persons housing and treat it differently to either 1 bedroom flats, studios or residential institutions would be an inappropriate approach to differential rates.
14	Highways Agency	No Comment.	
15	Natural England	No Comment.	
16	Mayor of London	No Comment.	
17	Barnet & Southgate College	No.	Noted.
18	Sainsbury's Supermarkets Ltd	No. In respect of retail development, it is Sainsbury's view that the proposed CIL rate of £135/sqm for all use classes within the borough, is both poorly evidenced and currently unrepresentative of local market conditions, drawing assumptions from only four scenario outcomes. Findings within the BNP Paribas Real Estate Affordable Housing Viability Assessment (AHVA) Update Report, shows a wide distribution of achievable commercial rents regarding retail development, with values ranging from £13 to £43 per sq ft (please see Table 4.4.1). The viability analysis and assumptions drawn within the residual valuations however, refer to a much limited range of commercial rents, with values ranging from only £20 to £35 per sq ft (see paragraph 4.5). Such lack of sampling, may well put at risk retail and other related development within the Borough, contravening the 2011 amended Gil Regulations, which require charging authorities "to demonstrate" that the proposed Gil rates are informed by both appropriate and "relevant evidence" (Regulation 11 (1) (I)).	The evidence base from BNP Paribas identifies £135 as the lowest rate for viable development. The key to the interpretation is that the Council's single low flat rate does not make otherwise <b>viable</b> development, unviable when considered at the borough-wide scale.
19	Mayor's Office for Policing and Crime / Metropolitan Police Service	No Comment.	

	<b>Organisation</b>	<b>Comment</b>	<b>Council's Response</b>
<b>20</b>	The Association of Asian Muslim Ladies	No Comment.	
<b>21</b>	Middlesex University	No Comment.	
<b>22</b>	Mill Hill Preservation Society	No Comment.	
<b>23</b>	London Borough of Bexley	No Comment.	
<b>24</b>	Hertsmere Borough Council	No Comment.	

<b>Question 2</b>	Is our interpretation of the evidence appropriate?
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	Organisation	Comment	Council's Response
1	Berkeley and St. George	Yes, the aim to ensure a simple, straight-forward CIL outweighs the use of differential rates or a zonal approach.	Noted.
2	UBS Global Asset Management (UK) Ltd	No, The Affordable Housing and Community Infrastructure Levy: Viability Study (September 2011), prepared by BNP Paribas, forms part of the evidence base for Barnet's Draft Charging Schedule. In respect of retail development, this study groups Barnet's postcode sectors into four categories based on the viability of retail development within the respective postcode sector. The Study identifies a series of postcode sectors in Barnet where retail development was not considered to be sufficiently viable to be able to support CIL. The Charging Schedule should reflect this evidence and identify areas where retail development will not be liable for CIL or where a lower CIL rate is appropriate.	<p>Please see answer to Q1 #18</p> <p>It is important to note that the evidence for retail divides up the Borough into four postcode areas with maximum thresholds for CIL contributions as follows:</p> <p>£925        N20, NW7  £524        N10, N12, NW11  £136        N11, N2, N3, N14  Unviable    NW9, NW4, NW2, EN4, EN5, HA8</p> <p>None of these thresholds are below £135/sqm, except for areas where it is unviable to deliver retail development, so none is expected to come forwards.</p>
3	Savills	No Comment.	
4	British Library	Yes.	Noted.
5	Legal & General Life Fund Limited Partnership	No. (2) Paragraphs 4.16-4.17 of the BNP Paribas Viability Study state the <i>maximum</i> level of CIL likely to be viable for retail and that there is a need for a margin "as well as leaving scope for payment of the Mayoral CIL". The recommendations for applying the margin and deducting Mayoral CIL <u>have not been interpreted</u> or explicitly applied in the Draft Charging Schedule.	<p>This response reflects a misunderstanding of the BNP Paribas Viability Study, which identifies viability thresholds <u>inclusive</u> of an allowance of £35/sqm for Mayoral CIL, i.e. it was accounted for in the calculations.</p> <p>Furthermore, the Council has taken the reasonable approach that setting the rate to provide an allowance of between £1 and £790 from the maximum viable CIL for retail development is sufficient, given that the bulk of development in the local area actually relates to housing.</p>
6	Asda Stores Limited	No comment.	

	Organisation	Comment	Council's Response
7	Scottish Widows Investment Partnership Property Trust Fund	No.	Noted.
8	London Fire and Emergency Planning Authority	No Comment.	
9	Andrew Scott Associates	Yes.	Noted.
10	A2Dominion Group	No.	Noted.
11	Brent Cross Cricklewood Development Partners	No Comment	
12	The Canal & River Trust	No Comment.	
13	McCarthy & Stone Retirement Lifestyles Ltd	No.	Noted.
14	Highways Agency	No Comment.	
15	Natural England	No Comment.	
16	Mayor of London	No Comment.	

	Organisation	Comment	Council's Response
17	Barnet & Southgate College	<p>Evidence Base</p> <p>BNP Paribas recommend a variable rate of between £210 and £350 across the Borough to reflect residual land values in different areas. The evidence indicates that retail uses, in particular, could support a much higher rate of (£925/sq m in some wards). The viability evidence supports the need for differential rates depending on area. It would appear that in seeking simplicity, LBB has set a level which is lower than recommended, in order to justify its application across the whole borough, and across all use classes, but this approach will undermine those uses which and least afford it and enable those which can most afford it.</p> <p>Community Uses</p> <p>The most straight forward route for community uses, as recommended by BNP, is for them to be zero rated.</p>	<p>The comments are noted, but when taken into consideration with the comments from other parties in favour of a single rate, it is viewed that the single rate is the more preferable option for ensuring the viability of development as a whole within the borough.</p> <p>Furthermore, as Barnet and Southgate College is a registered Charity, this development will not be subject to a charge as it will benefit from 100% Charitable Relief.</p>
18	Sainsbury's Supermarkets Ltd	No.	Noted.
19	Mayor's Office for Policing and Crime / Metropolitan Police Service	No Comment.	
20	The Association of Asian Muslim Ladies	No Comment.	
21	Middlesex University	No Comment.	
22	Mill Hill Preservation Society	No Comment.	

	<b>Organisation</b>	<b>Comment</b>	<b>Council's Response</b>
<b>23</b>	London Borough of Bexley	No Comment.	
<b>24</b>	Hertsmere Borough Council	No Comment.	

<b>Question 3</b>	Is a 'single low flat rate' approach appropriate?
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	Organisation	Comment	Officer Response
1	Berkeley & St. George	Yes, Berkeley and St George welcome and support the Council's intention and re-affirmation of its strategic aim to set the CIL as a single flat rate as previously indicated in the Preliminary Draft CIL Schedule. The recognition that a lower, flat rate will simplify and set out a very clear position is helpful in ensuring that economic growth and the residential market recovery are effectively considered and encompassed with the Borough CIL from the outset.	Noted.
2	UBS Global Asset Management (UK) Ltd	No. The Council states that the proposed CIL rate should 'support economic development' and 'ensure overall development remains financially viable'. It is acknowledged in BNP's Viability Study that retail development in some areas is generally unviable. The proposed single rate provides a further disincentive to retail investment and regeneration in these areas. Accordingly, it does not support economic growth equitably across the Borough and does not accord with Government policy.	Please see answer to Q2 2  The position that not all types of development can viably support a CIL payment is recognised within the charging schedule and its evidence base. The important distinction is whether the application of CIL would make development 'that would otherwise be viable' unviable.
3	Savills	No, a substantial increase to the cost of contributions for developments  A flat rate of £135 per sq.m across developments will significantly increase the cost of contributions for the developments already under viability pressure. We have carried out calculations on a site in the Borough based on current S106 contributions (using Barnet's Supplementary Planning Guidance) and the cost that will be incurred if applying the Borough's new CIL. This would lead to an increase in contribution costs of approximate 20%. Barnet is struggling to deliver significant affordable housing contributions from schemes on current levels of contributions. An increase by approximately 20% will first render a significant number of schemes unviable or second make the delivery of affordable housing untenable.	The proposed CIL rate and associated evidence demonstrate that on the whole it will be mainly neutral or reduce the cost burden of current planning obligations tariffs on development compared to the existing charge applied through 'planning obligation tariffs' for Education, Libraries, Healthcare and Monitoring.  In setting the rate, Barnet is required to take a borough-wide approach; without contrary evidence provided at a wider scale than that of an individual site, it is impossible to assert that the analysis and sensitivity testing in the Charging Schedule is inappropriate or incorrect.
4	British Library	Yes, the BL notes that the flat rate CIL Charge of £135 per sqm on all non-exempt development has been retained in the current draft of the CIL charging schedule. The BL still supports the strategic aims of the CIL to: <ul style="list-style-type: none"> <li>• Simplify contributions for developers; and ensure that development is viable.</li> </ul>	Noted.

	Organisation	Comment	Officer Response
		<ul style="list-style-type: none"> <li>The BL welcomes the clarity that the single flat rate will provide for landowners and developers in the Colindale Regeneration area.</li> </ul>	
5	Legal & General Life Fund Limited Partnership	<p>The evidence presented in the BNP Paribas Viability Study identifies that £136 per sqm is the <i>maximum</i> level viable for retail development in postcodes N11, N2 and N14 but that a risk margin (suggested as 15%-20% in BNP Paribas paragraph 7.3) should be applied to allow for higher costs that might be incurred in bringing developments forward. This margin has not been applied in the Barnet Draft Charging Schedule therefore the intended CIL rate <u>will not achieve the 'suitable balance' referred to</u> across the board for all commercial development types in all locations.</p>	<p>As the Council has decided to set a single low flat rate, the risk margin approach needs to be considered across the full range of evidence. A rate of £135 provides a risk margin as follows:</p> <p>Residential  £350 (risk margin of 61%)  £250 (risk margin of 46%)  £210 (risk margin of 36%)</p> <p>Retail  £925 (risk margin of 86%)  £524 (risk margin of 74%)  £136 (risk margin of 1%)  £0 (risk margin is N/A)</p> <p>It is therefore felt that across all viable forms of development a more than reasonable risk margin has been established to ensure that at the borough wide scale most development will remain deliverable.</p>
6	Asda Stores Limited	No Comment.	
7	Scottish Widows Investment Partnership Property Trust Fund	<p>No. We note that the borough wide assessment concluded that new retail development in Edgware (HA8 postcode area) is generally unviable. However, the council has taken the view that a single, flat rate would be a simpler mechanism for smaller schemes, although it is not clear how a single rate would aid the process of economic growth and delivery of development.</p>	Please see DCS 3.7.8 / 3.7.9
8	London Fire and Emergency Planning Authority	No.	Noted.

	Organisation	Comment	Officer Response
9	Andrew Scott Associates	No.	Noted.
10	A2Dominion Group	No.	Noted.
11	Brent Cross Cricklewood Development Partners	No Comment	
12	The Canal & River Trust	No Comment.	
13	McCarthy & Stone Retirement Lifestyles Ltd	<p>No, it is noted that the intention in finding an appropriate measure to use in calculating CIL rates is to ensure 'uniformity', or put another way, fairness for all classes of development liable to CIL payment. One of the principle intentions is to avoid producing a system that inadvertently produces advantages or disadvantages upon certain developers. My Client would wholly concur with the intention that CIL rates should be uniform, fair and avoid bias towards certain types of developments within a particular use.</p> <p>However, 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 £135 per sqm across the board is seen as unduly harmful to specialised housing and care providers such as McCarthy and Stone,</p>	<p>The Council notes the agreement in relation to the overarching intention for a uniform and fair rate.</p> <p>The chosen metric is a matter determined by the CIL Regulations 2010 (as amended) and is therefore outside the scope of influence for the local authority.</p> <p>Class C2 uses cannot be exempted from CIL, nor can they be considered for a £0 rate unless this is demonstrated by evidence. Since no evidence is forthcoming and the quantum of this specific type of development is judged to be low, it would be unreasonable to set a separate rate for C2 uses.</p> <p>Therefore applying a single rate of £135 per sqm to all development use classes is appropriate. Furthermore, if the developer can demonstrate the right to Exceptional Circumstances Relief then this is now switched-on.</p>
14	Highways Agency	No Comment.	
15	Natural England	No Comment.	
16	Mayor of London	No Comment.	

	Organisation	Comment	Officer Response
17	Barnet & Southgate College	No.	Noted.
18	Sainsbury's Supermarkets Ltd	No, In short, BNP Paribas Real Estate has not undertaken a sufficiently fine grained approach to justify the proposed flat rate of £135/psm for each use class and in particular retail development, with the Draft Charging Schedule referring to several areas in the borough where new retail development would be made significantly unviable (see paragraph 3.7.5).	The Draft Charging Schedule does not refer to several areas where new retail "would be made" unviable, but rather refers to it currently being unviable even before the question of applying a CIL rate is introduced. Therefore retail development in such areas would be unlikely to come forwards in any event.  Please see answer to Q2 #2 and Q3 #2 for further comment
19	Mayor's Office for Policing and Crime / Metropolitan Police Service	No. The MOPAC/MPS do not agree with this approach.	Noted.
20	The Association of Asian Muslim Ladies	No Comment.	
21	Middlesex University	No Comment.	
22	Mill Hill Preservation Society	No Comment.	
23	London Borough of Bexley	No Comment.	
24	Hertsmere Borough Council	No Comment.	

<b>Question 4</b>	Is the rate proposed consistent with the evidence?
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	Organisation	Comment	Officer Response
1	Berkeley and St George	Yes.	Noted.
2	UBS Global Asset Management (UK) Ltd	No. BNP's Viability Study advises that differential rates should be set based on the location of a retail development. The Charging Schedule should be amended to identify areas where retail development will not be liable for CIL, in accordance with the BNP report.	In deciding to set a single flat rate across the borough it would then be inappropriate to introduce differential rates for specific use classes but not others.
3	Savills	No Comment	
4	British Library	Yes.	Noted.
5	Legal & General Life Fund Limited Partnership	<p>No. The £135 per sqm rate presented in the Draft Charging Schedule insofar as it will relate to retail development in postcode sectors N11, N2 and N14 <u>does not reflect the evidence</u> in the BNP Paribas Viability Report. The reasons for this are two-fold:</p> <ul style="list-style-type: none"> <li>• The 15 to 20% risk margin referred to in paragraphs 7.2 and 7.3 of the BNP Paribas Viability Study "<i>to allow for higher costs that might be incurred in bringing developments forward</i>" has not been applied; and</li> <li>• The requirement for "<i>leaving scope for payment of the Mayoral CIL</i>" stated at paragraph 4.17 of the BNP Paribas Viability Study has not been followed. (It is noted this is also inconsistent with the approach taken in the published LB Haringey Preliminary Draft Charging Schedule July 2012, paragraph 4.3 (with evidence from BNP Paribas acting for LB Haringey) where the Mayoral CIL has been deducted from the Haringey CIL figures).</li> </ul>	<p>Please see answer to Q2 #5 and Q3 #5.</p> <p>The difference between the LB Barnet and LB Haringey evidence is a matter of presentation.</p> <ul style="list-style-type: none"> <li>- The LB Barnet evidence is based on the Mayoral CIL being accounted for within the calculation</li> <li>- The LB Haringey evidence is based on the Mayoral CIL being accounted for after the calculation</li> </ul>
6	Asda Stores Limited	No Comment.	

	Organisation	Comment	Officer Response
7	Scottish Widows Investment Partnership Property Trust Fund	No. The initial CIL work undertaken by the Council recognised that in certain areas of the Borough, including Edgware, retail development would be unviable with the introduction of CIL. Further, consultation responses agreed with this stance.	Please see answer to Q2 #2, Q3 #2 and Q4 #2.
8	London Fire and Emergency Planning Authority	No Comment.	
9	Andrew Scott Associates	No.	Noted.
10	A2Dominion Group	No.	Noted.
11	Brent Cross Cricklewood Development Partners	No Comment	
12	The Canal & River Trust	No Comment.	
13	McCarthy & Stone Retirement Lifestyles Ltd	No.	Noted.
14	Highways Agency	No Comment.	
15	Natural England	No Comment.	
16	Mayor of London	No Comment.	
17	Barnet & Southgate College	No.	Noted.

	<b>Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
<b>18</b>	Sainsbury's Supermarkets Ltd	No.	Noted.
<b>19</b>	London Fire and Emergency Planning Authority	No Comment.	
<b>20</b>	The Association of Asian Muslim Ladies	No Comment.	
<b>21</b>	Middlesex University	No Comment.	
<b>22</b>	Mill Hill Preservation Society	No Comment.	
<b>23</b>	London Borough of Bexley	No Comment.	
<b>24</b>	Hertsmere Borough Council	No Comment.	

<b>Question 5</b>	I do not consider that overall development in Barnet will be put at significant additional risk by the introduction of the proposed rate of CIL
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	<b>Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
<b>1</b>	Berkeley and St George	Yes.	Noted.
<b>2</b>	UBS Global Asset Management (UK) Ltd	<p>No. The Council's own response to consultation comments in respect of the previous Charging Schedule Draft acknowledges that the proposed rate will make some developments unviable (see Officer response to Asda's comments in respect of Question 4).</p> <p>The Government has placed significant emphasis on promoting development to create economic growth and job creation. The explicit acknowledgement by the Council that the proposed CIL rate will make some development unviable does not accord with Government policy.</p>	<p>The decision over CIL rate setting and viability has been carefully selected to maximise the viability of development as a whole, and promote development across the borough by ensuring that viable development can and does remain viable.</p> <p>Some developments with site specific issues may be made unviable, but development that is already identified as unviable is likely to remain so for a few years.</p>
<b>3</b>	Savills	No.	Noted.
<b>4</b>	British Library	Yes.	Noted.
<b>5</b>	Legal & General Life Fund Limited Partnership	No. As to whether development in Barnet will be put at significant additional risk by the introduction of the proposed rate of CIL, it is not possible to generalise given the blanket approach to applying the CIL. However, the evidence in BNP Paribas Viability Report clearly states that some development cannot support CIL.	Please see answer to Q5 #2.
<b>6</b>	Asda Stores Limited	No.	Noted.
<b>7</b>	Scottish Widows Investment Partnership Property Trust Fund	No Comment.	Noted
<b>8</b>	London Fire and Emergency Planning Authority	No Comment.	
<b>9</b>	Andrew Scott Associates	No.	Noted.

	Organisation	Comment	Officer Response
10	A2Dominion Group	No.	Noted.
11	Brent Cross Cricklewood Development Partners	No Comment	
12	The Canal & River Trust	No Comment	
13	McCarthy & Stone Retirement Lifestyles Ltd	No.	Noted.
14	Highways Agency	No Comment.	
15	Natural England	No Comment.	
16	Mayor of London	No Comment.	
17	Barnet & Southgate College	No.	Noted.
18	Sainsbury's Supermarkets Ltd	No.	Noted.
19	Mayor's Office for Policing and Crime / Metropolitan Police Service	No Comment.	
20	The Association of Asian Muslim Ladies	No Comment.	
21	Middlesex University	No Comment.	
22	Mill Hill Preservation Society	No Comment.	

	<b>Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
<b>23</b>	London Borough of Bexley	No Comment.	
<b>24</b>	Hertsmere Borough Council	No Comment.	

<b>Question 6.</b>	
<b>Additional Comments</b>	

	<b>Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
1	Berkeley & St George	<p>CIL Review Period</p> <p>It is beneficial for the Council to consider aligning future reviews of the Borough's CIL Charging Schedule with that of the Mayoral CIL. This is due, in Berkeley and St George's view, to the need to ensure the two tier charging system in London operates as effectively as possible and that future development viability in the Borough continues to incorporate a full consideration of the applicable Mayoral CIL charge.</p> <p>Regeneration and priority estates</p> <p>The draft charging schedule's understanding of the viability challenges faced in the two major regeneration areas of the borough and the priority estates is welcome.</p> <p>Exceptional Circumstances Relief</p> <p>The Draft Charging Schedule should therefore incorporate the ability for Barnet to grant exceptional circumstances relief now in accordance with CIL Regulations 55 and 56.</p> <p>Instalments</p> <p>The Draft Charging Schedule establishes that Barnet intends to introduce an instalments policy to allow the payment of CIL Charges. This is wholly supported by Berkeley and St Georges as it will reflect the realities of development financing, phasing and viability in the Borough. It is noted (at paragraph 4.6.3) that such a policy will be assessed in conjunction with the Mayor of London to adopt a shared approach, which is to be welcomed.</p> <p>Reporting</p> <p>Berkeley and St George also suggest that a continuous, live public reporting and review mechanism be established to ensure a transparent</p>	<p>Barnet intends to revise its Charging Schedule in 2016, and notes the benefits of aligning revisions with the Mayor of London.</p> <p>The mechanism has been removed to ensure compliance with the Regulations and other relevant Legislation. Council would like to draw emphasis on the use of existing Planning Obligations to address any concerns. Please refer to section 3.11.5 of the DCS (as amended by the Statement of Modification). See also Exceptional Circumstances Relief below.</p> <p>The Council will be introducing Exceptional Circumstances Relief on adoption of the Charging Schedule.</p> <p>The Council intends to have a mirrored approach with the Mayoral CIL.</p> <p>Noted.</p>

	Organisation	Comment	Officer Response
		analysis is undertaken of where CIL income is expended and how it relates to the forthcoming R123 CIL infrastructure List.	*Relevant drafting points in representation noted.
3	Savills	<p>Exceptional Circumstance Relief</p> <p>The Council has highlighted within the draft document that they do not intend to make exceptional circumstance relief available. We object to this as it will make some developments unviable (even when providing additional S106 obligations). For example, the project that we worked on for Finchley Memorial Hospital, even though a significant benefit to the local community and surrounding area would have attracted a very significant CIL contribution. Similarly, planning policies generally seek to retain community uses in commercial developments, but no relief would be given for that community benefit within the charging schedule.</p>	The Council will be introducing Exceptional Circumstances Relief on adoption of the Charging Schedule.
4	British Library	<p>Regeneration Areas and Priority Estates</p> <p>BL welcomes the 'grant' mechanism proposed in the draft charging schedule to ensure that development within the borough's regeneration areas, such as Colindale, is viable, particularly when development is required to deliver substantial on-site infrastructure improvements that will not be transferred to the Council.</p> <p>Infrastructure Funding</p> <p>The BL supports the use of CIL to provide funding for major infrastructure in LBB. LBB is required to publish a list of infrastructure projects, which will be funded by CIL, in accordance with Regulations 123 of the CIL regulations. The BL would welcome the early publication of this list to provide additional certainty for landowners and developers over the funding of named infrastructure projects.</p> <p>Instalments</p> <p>The BL notes that the Council is considering the potential for CIL payments to be made in instalments in certain circumstances to ensure development viability. The BL would welcome the introduction of an instalments mechanism for the collection of CIL, to provide flexibility for developers and to ensure development remains deliverable and viable.</p>	Please see response in Q6 #1

	Organisation	Comment	Officer Response
6	Asda Stores Limited	<p>We are pleased that the Council has acknowledged the impact that CIL will have on regeneration schemes within the Council's area, and that proactive steps are being taken to address the issue. Unfortunately, the mechanism proposed by the Council for remedying the issue is unlikely to be effective.</p> <p>If the Council introduces Exceptional Circumstances Relief, then it will be able to address any underlying viability issues more directly, by reducing the CIL contributions/ planning obligations requested from the developer and/or negotiating alternative methods of achieving these aims.</p> <p>*Reference made to previous PDCS Representation.</p>	<p>Please see response in Q6 #1</p> <p>Noted.</p>
8	London Fire and Emergency Planning Authority	<p>We also note the addition of section 3.8 within the draft charging schedule, which states that 'the Council commits to provide a CIL grant equivalent to the total CIL charge levied where such a development is delivered for a public body.' Whilst we are generally supportive of this sentiment, we are concerned that it is dependant on such a development being identified within the Council's infrastructure Delivery Plan as either 'necessary' or 'critical'. Fire Stations are essential community safety facilities and any CIL costs for them are therefore inappropriate. As fire stations are included within the definition of 'infrastructure' under the Planning Act 2008, we believe that they should automatically be excluded from any CIL payments.</p> <p>Consideration should be given to the use of CIL funding for any future LFEPA fire safety and community facilities within the borough.</p>	<p>In accordance with the CIL Regulations and relevant Legislation, the Council is required to ensure CIL funding is used towards infrastructure that can bring a wide benefit to the borough as a whole and do not create a selective benefit to a particular group.</p> <p>Infrastructure identified as 'Critical' and 'Necessary' are deemed to have such importance to the borough that it is justifiable to be funded by CIL money. This will ensure that the funding is used accordingly,</p> <p>Noted.</p>
9	Andrew Scott & Associates	<p>We feel that our clients are being penalised by extortionate fees as building is already a costly process and there is already a number of financial hurdles that they face in order to build by going through the correct guidelines.</p> <p>A number of our clients have abandoned projects due to costs, this year approximately 75% alone.</p> <p>We feel this is not good for development and the community.</p>	<p>Noted.</p> <p>Sustainable development remains an important vision in the NPPF, and the process of funding infrastructure is an important mechanism in achieving this aim.</p> <p>The Council has worked constructively with the development industry in the changing economic climate, such as 'Responding to the Recession S106' document. The Council continues to support the industry by adopting instalment policy in line with the Mayor of London.</p>
10	A2Dominion Group	The impact of CIL on delivery	Please refer to section 3.11.5 of the DCS (as amended by the Statement of Modification).

	Organisation	Comment	Officer Response
		<p>...in the event of a new application (or S73 application) on these sites, would the Council remove the infrastructure provisions within the S106 to enable the CIL charge to be paid? Would the resultant infrastructure then fall to be delivered by CIL. Our concern is that the charge does not account for this infrastructure to be provided; this raises questions of double charging or under provision in certain circumstances.</p> <p>Ensuring Flexibility</p> <p>We would request that the draft Charging Schedule include the exceptional circumstances test to provide the Council with the mechanism to provide such flexibility.</p>	<p>Draft amendments to the Regulations in relation to Section 73 applications and CIL liability is now available; provided there are no increase in floorspace, no CIL liability would arise.</p> <p>Please see response in Q6 #1</p>
11	Brent Cross Cricklewood Development Partners	<p>We note from the accompanying text to the Draft Charging Schedule (Section 3.10) that the Council accepts that the proposal CIL charge could threaten the viability of the development, but would seek to deal with this through a process of grants following adoption should problems arise, rather than (as it has the power to do) setting a variable CIL rate</p> <p>...we continue to be of the view that it is both desirable and possible for the Council to set a lower or zero CIL rate in one or more of the Borough's regeneration areas.</p>	<p>The Council has clearly set out the justified position for a single low flat rate of CIL, and therefore to introduce a differential rate of CIL for specific areas would be as inappropriate as to introduce them according to use class. Furthermore, there are currently no Regeneration Areas with a sufficiently developed case for setting a low or zero rate of CIL, either development plans have accounted for the anticipated CIL within their viability appraisals or there is an existing planning application in place.</p>
12	The Canal & River Trust	<p>We are keen that essential mitigation from the impacts of development on the waterway environment does not get overlooked by falling between S106 and the new CIL procedure.</p>	<p>Noted.</p>
13	McCarthy & Stone Retirement Lifestyles Ltd	<p>Payment by instalments</p> <p>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 be then be phased depending upon occupation levels.</p>	<p>The council intends to mirror the Mayor's approach in setting instalments. Please see section 4.7.3.</p> <p>Furthermore it is important to note that any instalment policy must be based on a specified number of days after the date of commencement according to CIL Regulations</p>
17	Barnet & Southgate College	<p>Infrastructure Delivery Plan</p> <p>The application of CIL to the IDP needs to be clarified. There needs to be a provision which allows for new community projects, and changes in the delivery mechanism of projects, where previous funding sources are no</p>	<p>The existing published form of the Infrastructure Delivery Plan does not identify projects to be funded or part funded by CIL.</p>

	Organisation	Comment	Officer Response
		<p>longer available. Otherwise a whole raft of critical and necessary projects will not be eligible to receive CIL funding.</p> <p>Regeneration Areas</p> <p>We note the DCS sets out the approach to be taken in respect of the Borough's Regeneration Areas and Priority Estates. This seems to be based on balancing S.106 / S.278 and CIL payments to ensure that there is no excess payment, which might otherwise go in the a borough-wide pot. However, there does not appear to be a mechanism for recycling CIL payments back into a site or scheme within the Regeneration Areas.</p> <p>Exceptional Circumstances Relief</p> <p>We recommend the introduction of an exceptional circumstances exemption.</p>	<p>The process of updating the data behind the document is ongoing to reflect the way CIL spending decisions must be made on a case by case basis according to the merits of each case, and will be authorised through the Council's Budget Process as and when this is required to enable funds to be applied to critical and necessary projects.</p> <p>Please see revisions, and also refer to Q6 #1</p> <p>The Council will be introducing Exceptional Circumstances Relief on adoption of the Charging Schedule.</p>
19	Mayor's Office for Policing and Crime / Metropolitan Police Service	<p>Whilst it is recognised that the Council commits to provide a CIL grant for development that is delivered for public bodies provided that the project is recognised as of importance within the Council's IDP, this approach is considered unnecessarily complex and would place unreasonable pressures on the limited time and resources on public bodies such as the MOPAC/MPS. The new provisions of new policing floorspace, which is made necessary by new development, but is not identified as 'necessary' or 'critical' within the councils' IDP, would also be prejudiced.</p> <p>It is recommended that, when formulated, the list of beneficiaries of CIL (Regulation 123) includes policing facilities.</p>	<p>Please see answer to Q6 #8</p> <p>Noted.</p>
21	Middlesex University	<p>We would have preferred non-charity providers of community infrastructure to have been exempt from CIL rather than having to pay the Council substantial sums and then having to reclaim this through Council grant. This preference does not, however, constitute an objection to the document, or negate the University welcoming the inclusion of section 3.8.</p>	<p>Noted.</p>
22	Mill Hill Preservation Society	<p>The Society has nothing to add to our letter dated 4<sup>th</sup> April 2012. (PDCS Consultation)</p>	<p>Noted.</p>

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