



Hertsmere Borough Council

COMMUNITY INFRASTRUCTURE LEVY (CIL)

DRAFT CHARGING SCHEDULE REGULATION 19(1)(b) STATEMENT

September 2013

Document Title	Purpose
DCS Regulation 19(1) Statement	A statement setting out details of the representations were made; the number of representations made; and, and a summary of the main issues raised by the representations.

Background

Hertsmere Borough Council invited representations on its Community Infrastructure Levy (CIL) Draft Charging Schedule for a six-week period from 26 July 2013 to 6 September 2013

Statement of Representations

In accordance with Regulation 19(1)(b) of the Community Infrastructure Levy Regulations 2010 (as amended), this statement confirms that representations were made to Hertsmere Borough Council in respect of the CIL Draft Charging Schedule. Ten (10) representations were received in accordance with Regulation 17 of the Community Infrastructure Levy Regulations 2010 (as amended).

Information relating to the respondents making representations is contained in Appendix A and a summary of the main issues raised by the representations is contained in Appendix B.

Right to be heard

Two respondents requested to be heard by the CIL Examiner. These were Representation 9 - (*McCarthy & Stone Retirement Lifestyle Ltd. And Churchill retirement Living Ltd*) and Representation 10 (*The Home Builders Federation consortium*).

Modifications to the Draft Charging Schedule

The Council has made modifications to the Draft Charging Schedule after it was published in accordance with Regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended) these are outlined in the Modification Statement.

Appendix A

Details of respondents in relation to CIL Draft Charging Schedule Consultation

Response No	Respondent	Organisation	Representing	Date of Response	Request to be heard at Examination	Request to be kept informed of progress
1	David Hussey	Highways Agency		13/08/2013		
2	Struan Power	St Albans City & District Council		20/08/2013		X
3	Paula Paley	Aldenham Parish Council		09/08/2013		
4	H R O Jones	Elstree and Borehamwood Town Council		23/08/2013		X
5	Roy Warren	Sport England		03/09/2013		
6	Janet Nuttall	Natural England		06/09/2013		
7	Katharine Fletcher	English Heritage		06/09/2013		
8	Russell Monck	Hertfordshire County Council		06/09/2013		
9	Ziyad Thomas	The Planning Bureau Ltd	McCarthy & Stone Retirement Lifestyle Ltd. And Churchill retirement Living Ltd.	06/09/2013	X	X
10	Melys Pritchett	Savills	The Home Builders Federation consortium	06/09/2013	X	X

Appendix B

Summary of representations received on Draft Charging Schedule during consultation between the 26th July 2013 and the 6th September 2013

Response No	Respondent	Summary of Representation
1	David Hussey (Highways Agency)	Have reviewed the consultation and do not have any comment at this time.
2	Struan Power (St Albans City & District Council)	Raise no objections to the proposed rates and considers that the latest Guidance has been fully taken into account.
3	Paula Paley (Aldenham Parish Council)	Wishes to make no comments.
4	H R O Jones (Elstree and Borehamwood Town Council)	Wish to be involved in the decision-making process when determining how and where levy monies were spent in the locality. Some concerns that CIL could potentially cause developers to seek work elsewhere (where the levy was not in Place). Felt that the obligation on the determining body should be to spend levy monies in the neighbourhood in which they were raise.
5	Roy Warren (Sport England)	Comments in relation to Infrastructure Funding Gap Assessment and a lack of transparency about the costs states.
6	Janet Nuttall (Natural England)	Welcome the identification of open space on the Regulation 123 List.
7	Katharine Fletcher (English Heritage)	Do not wish to make detailed comments on the level at which the CIL charge is set. Wish for historic open spaces and public realm works in historic areas to be considered for inclusion on the Regulation 123 List.

8	Russell Monck (Hertfordshire County Council)	The Draft CIL Regulation 123 List appears to exclude some HCC Services which could result in these Services being unable to access CIL funding. Accordingly, Youth Services and Childcare & Early Years Services should be included with the caveat applied to Education and Transport i.e. "with the exception of those in relation to the Elstree way Corridor".
9	Ziyad Thomas (The Planning Bureau Ltd)	There is no reasonable justification for a CIL charge on sheltered housing at the same level as general housing need. The Council's position in terms of Care Homes remains unclear. The use of the term 'Retirement Home' is not widely used, it is recommended it be amended to "Nursing/Care Home/Extra Care Accommodation (C2).
10	Melys Pritchett (Savills)	<p>The profit margin is inadequate to cover all the associated risks of development and therefore does not represent a appropriate return to a willing developer. Concern that there are errors/ inconsistencies in the viability evidence and therefore request a thorough review and check of the assumptions, appraisals, results and proposed CIL rates across all areas. Without quantifying the Viability Cushion, it is not clear that the Viability Cushion is sufficient to make up for the deficiencies in the profit and to allow for the risk of movements in costs and values.</p> <p>To demonstrate that the CIL has been prepared positively and supports sustainable development the following supporting evidence should be prepared</p> <ul style="list-style-type: none"> • Guidance on how to calculate the relevant 'chargeable development'/level of CIL • Guidance on liability to pay CIL/Appeals process. • Policy for payments by instalments. • Approach to payments in kind – notably valuation process for ascertaining land value and also the potential to accept land for infrastructure as a payment in kind. • Guidance on relief from CIL and a policy on exceptional circumstances for relief from CIL. <p>HBC should make available relief clearly outline their approach to doing so (in conformity with the Regulations) so that there is no risk to the delivery of development unintentionally rendered unviable by CIL.</p>