



Bristol City Council

Community Infrastructure Levy

**Responses 1 – 14 (excluding Response 11)
received in respect of the Draft Charging
Schedule in accordance with Regulation 17**

18 April 2012

Response No 1

**John Frenkel
Bristol Civic Society**

Bristol Development Framework - RE: Community Infrastructure Levy Draft Charging Schedule

From: "John Frenkel" <johnfrenkel@blueyonder.co.uk>
To: "Bristol Development Framework" <bdf@bristol.gov.uk>
Date: 03/03/2012 11:22
Subject: RE: Community Infrastructure Levy Draft Charging Schedule

Jim

The Society will not respond to the rates in the charging schedule

John Frenkel
Convenor, Bristol Civic Society, Major Sites Group
0117 924 0853 johnfrenkel@blueyonder.co.uk

From: Bristol Development Framework [mailto:bdf@bristol.gov.uk]
Sent: 01 March 2012 14:18
To: Bristol Development Framework
Cc: Jim Cliffe
Subject: Community Infrastructure Levy Draft Charging Schedule

Dear Sir / Madam

You may recall that Bristol City Council recently undertook an eight-week consultation on our Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule. A number of changes have been made as a result of this consultation. Following approval from the Council's Cabinet on 23 February 2012, we are now publishing our **CIL Draft Charging Schedule**.

Representations on the CIL Draft Charging Schedule are invited and can be submitted from **2 March 2012** until **30 March 2012**.

Representations may be made by email to bdf@bristol.gov.uk or by post to:

Jim Cliffe
Planning Obligations Manager
Strategic Planning Team
Bristol City Council
Brunel House
St. Georges Road
BRISTOL
BS1 5UY

Response No 2

**Peterjohn Smyth
Esha Architects**

Bristol Development Framework - RE: Community Infrastructure Levy Draft Charging Schedule

From: "Peterjohn Smyth" <peterjohn.smyth@eshaarchitects.co.uk>
To: "Bristol Development Framework" <bdf@bristol.gov.uk>, "Jim Cliffe" <jim.cliffe@bristol.gov.uk>
Date: 05/03/2012 11:18
Subject: RE: Community Infrastructure Levy Draft Charging Schedule

Dear Mr Cliffe

As it stands the schedule has different charging rates for the Inner and Outer Zones; but it does not distinguish between high and low value areas. So for example development in Bedminster has to pay the same rate per square metre as one in Park Street despite the fact that the value of the development will be much lower per square metre.

This means that the charging rates are likely to make development in what are now low value areas unviable while being no problem at all in high value areas. This would clearly discourage development in lower value areas, achieving what must be the opposite of the Council's policy.

It therefore seems essential to set up different charging rates for a range (say 3 - 5) areas depending on their value.

Regards
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 Registration no.: OC309103*

If you wish to visit our website go to: <http://www.eshaarchitects.co.uk/>

To: Jim Cliffe
 From: Peterjohn Smyth
 Ref.: OA/05.03.01

From: Bristol Development Framework [<mailto:bdf@bristol.gov.uk>]
Sent: 01 March 2012 14:18
To: Bristol Development Framework
Cc: Jim Cliffe
Subject: Community Infrastructure Levy Draft Charging Schedule

Dear Sir / Madam

You may recall that Bristol City Council recently undertook an eight-week consultation on our Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule. A number of changes have been made as a result of this consultation. Following approval from the Council's Cabinet on 23 February 2012, we are now publishing our **CIL Draft Charging Schedule**.

Response No 3

**Sally Miles
RPS Planning**



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Our Ref: SM/JLN0034

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Date: 26 March 2012

Jim Cliffe
Planning Obligations Manager
Strategic Planning Team
Bristol City Council
Brunel House
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BS1 5UY

Dear Sir

CONSULTATION ON COMMUNITY INFRASTRUCTURE LEVY, DRAFT CHARGING SCHEDULE – PUBLISHED 2 MARCH 2012

RPS on behalf of IKEA submitted a representation to the Preliminary Draft Charging Schedule in January 2012.

Our previous representation set out that we considered the proposed classification of uses to be too broad and that rates of contribution should also be adjusted to make allowances for quantum of development. We briefly set these points out again below. However, further to the publication of the Council's Draft Charging Schedule (March 2012) we wish to submit this further representation in relation to the Council's decision to not offer discretionary relief from CIL within their Draft Charging Schedule.

Unrealistic / Unviable CIL Levels

The Community Infrastructure Levy, an overview, dated May 2011 (CLG overview note) makes it clear that contributions should not be set at levels which will discourage development. It states at paragraph 23:

“Charging authorities wishing to introduce the levy should propose a rate which does not put at serious risk the overall development of their area. They will need to draw on the infrastructure planning that underpins the development strategy for their area. Charging authorities will use that evidence to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the levy upon economic viability of development across their area.”

Paragraph 25 goes on to indicate:

“Charging authorities will need to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the imposition of the levy upon economic viability of developments across their area.”

In the current economic climate, it is becoming increasingly difficult to secure tenants and to fund developments. The imposition of high rates will have a significant impact upon the viability of



schemes and the potential to secure major investment. It is essential that the rate set is realistic and allows for potential changes in rental incomes, yields and land values.

Retail Classifications

No distinction is made between different forms of retail uses within the charging schedule. Different styles of retail use generate significantly different income and are able to support very different land and rental values. Trading characteristics vary dramatically and turnover per square metre and indeed traffic generation per square metre vary substantially. As a minimum, retail warehousing should be distinguished from food supermarkets as both sectors have very different characteristics.

Quantum

The turnover, and indeed, the traffic generation associated with stores is not directly proportionate to the size of a retail unit. As can be seen, some operators such as IKEA have unique trading characteristics which involve a substantial amount of 'non-retail' floorspace which requires large stores. However, the turnover per square meter is lower than many other retail uses.

Applying the contribution rates to an IKEA store which is typically 35,000 – 40,000 sq.m could be prohibitive and could significantly affect potential viability.

There should be allowances for quantum of development for individual units. A lower rate should be applied over an appropriate threshold, for example, for individual units over 10,000 sq.m. This approach is applied in other systems such as rating and indeed planning application fees which make allowances for quantum recognising that costs to one individual operator can be prohibitive. Consideration should be given to either identifying a cap i.e. a maximum contribution that can be associated with an individual unit or differing rates should be applied above an agreed threshold.

Discretionary Relief For Exceptional Circumstances

Paragraph 53 of the Community Infrastructure Levy Overview document dated May 2011 recognises that the levy should not prevent otherwise desirable development from coming forward and discusses that relief can be given in exceptional circumstances. This should be recognised within Bristol's Charging Schedule.

Bristol should ensure that it makes discretionary relief available for major developments involving substantial on and off site highways works and transport infrastructure improvements.

As you know, Regulation 55(1) of the CIL Regulations allows a charging authority to grant relief (relief for exceptional circumstances) from liability to pay CIL in respect of a chargeable development if: (a) it appears to the charging authority that there are exceptional circumstances which justify doing so; and (b) the charging authority considers it expedient to do so.

However, a charging authority may only grant such relief if:

- (a) it has made relief for exceptional circumstances available in its area;
- (b) there is a planning obligation under section 106 of TCPA 1990; and
- (c) the charging authority (i) considers that the cost of complying with the planning obligation is greater than the chargeable amount payable in respect of the chargeable development; and

(ii) considers that CIL would have an unacceptable impact on the economic viability of the development

Moreover, paragraph 53 of the CLG's overview document recognises that the levy should not prevent otherwise desirable development from coming forward and discusses that relief can be given in exceptional circumstances. This should be recognised in your authorities' guidance notes. This is particularly so since Regulation 56 of the CIL Regulations requires a charging authority who wishes to make relief for exceptional circumstances available to publish a statement to this effect.

By safeguarding the option of a discretionary relief, Bristol will be able to assess major development on a case by case basis. In particular, we would strongly suggest that Bristol must maintain the flexibility to assess whether a section 106 agreement would be the more appropriate mechanism than the levy. Obviously, CIL is payable "up front" on the grant of planning permission but, there is no guarantee how or when that levy would be utilised or, indeed, if at all for the chargeable development.

Furthermore, for any major scheme involving major highway and transport infrastructure works, there will obviously be a related Grampian condition attached to the planning permission meaning that those works would need to be completed by the required trigger date. The issue for any developer of a major retail or other development will always be deliverability and the risk that any development would be stifled until the CIL monies have been utilised for the specified development. This would be too large a risk for any developer and would prevent major development from coming forward in Bristol.

Accordingly, we respectfully suggest that for major proposals requiring substantive highway or infrastructure works, discretionary relief should be applied and planning obligations should be used to secure the works by the requisite trigger dates.

By reserving a discretionary relief for such exceptional circumstances in its area, Bristol will ensure that there is flexibility to safeguard potentially beneficial development and ensure that it is not prohibited by the application of CIL either (i) from coming forward in the first place because of the economic viability impact; or (ii) if it does come forward, the development is not stopped in its tracks due to deliverability constraints.

Of course this will also ensure that the local use of the levy and planning obligations do not overlap which, the CLG overview guidance note reiterates is essential (at paragraphs 64 – 66).

Conclusion

Paragraphs 23 and 25 of the CLG overview document emphasise that authorities have to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the imposition of the levy upon economic viability, and therefore Bristol should reserve the option to allow discretionary relief for exceptional circumstances in its area.

It is believed that if a very high flat rate is applied to development for very large individual operators, it will have a significant impact upon the potential viability of proposals putting the development at risk and will prevent much needed economic development coming forward.

I would be grateful if the authority could consider appropriate amendments to address the issues raised. If you would like to discuss any matters, please do not hesitate to contact me.

Yours faithfully



SALLY MILES
Senior Director

Response No 4

**Rose Freeman
Theatres Trust**

Bristol Development Framework - CIL Draft Charging Schedule

From: Rose Freeman <rose.freeman@theatrust.org.uk>
To: Bristol Development Framework <bdf@bristol.gov.uk>
Date: 27/03/2012 16:47
Subject: CIL Draft Charging Schedule

Our Ref.: RF/4152

CIL Draft Charging Schedule

Thank you for your email of 1 March consulting the Theatres Trust on the draft Community Infrastructure Levy Charging Schedule.

The Theatres Trust is The National Advisory Public Body for Theatres. The Theatres Trust Act 1976 states that *'The Theatres Trust exists to promote the better protection of theatres.* It currently delivers statutory planning advice on theatre buildings and theatre use through the Town & Country Planning (General Development Procedure) (England) Order 2010 (DMPO), Articles 16 & 17, Schedule 5, para.(w) that requires the Trust to be consulted by local authorities on planning applications which include *'development involving any land on which there is a theatre.'*

Due to the specific nature of the Trust's remit we are concerned with the protection and promotion of theatres and have no particular comment to make on the draft CIL charging schedule, but assume that your performance spaces will still require the levels of Section 106 contribution to be ring-fenced and maintained.

We are concerned that theatre buildings do not benefit appropriately under the terms of S106 and other agreements, and that it will increasingly be necessary to unlock new sources of funding to help pay for significant improvements to them. Theatres always need improvements to keep pace with public expectations and the needs of performers and producers.

Rose Freeman
Planning Policy Officer
The Theatres Trust
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London WC2H 0QL
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planning@theatrust.org.uk

Learn more about theatres with our online resource '[Exploring Theatres](#)'
Check out your local theatre on The Theatres Trust '[Theatres database](#)'

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You should be aware that all electronic mail from, to and within The Theatres Trust may be subject to public disclosure under the Freedom of Information Act 2000, and the confidentiality of this email and any replies cannot be guaranteed. Unless otherwise specified, the opinions expressed herein do not necessarily represent those of The Theatres Trust or The Theatres

Response No 5

**Jamie Sullivan
Tetlow King Planning**



RECEIVED - 2 APR 2012

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Mr Jim Cliffe
Planning Obligations Manager
Strategic Planning Team
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BS1 5UY

Date: 29 March 2012
Our Ref: JAS M5/0104-18
Your Ref:

By Post and Email
bdf@bristol.gov.uk

Dear Jim

RE: BRISTOL CITY COUNCIL – COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE – MARCH 2012

We represent the **South West HARP Planning Consortium** which includes all the leading Housing Association Registered Providers (HARPs) across the South West. Our clients' principal concerns are to optimise the provision of social/affordable housing and to ensure the evolution and preparation of consistent policies throughout the region.

Our representations are as follows:

We welcome the Council's changes to make C2 Use Class Development exempt from CIL charges. We are also pleased to see that Easton and St Pauls have been moved into the low value CIL charging area. We do however still have a number of concerns with the charging schedule as set out below.

Affordable Housing

We restate our previous concerns that the proposed CIL charge will have a significant impact on the delivery of affordable housing. This is clearly summarised in the BNP Paribas letter (30 January 2012) in response to Savills consultation response regarding the BNP Paribas Viability Assessment used to justify the Council's Draft CIL Charging Schedule. It states:

'The contention in Savills paragraph 4 on page 4 that 98% of allocated sites would be lost would only hold true if the Council did not apply a flexible approach to its affordable housing requirements. This would run counter to its Core Strategy policies, which explicitly require that the affordable housing targets are applied flexibly, taking account of individual site viability.'

This suggests that 98% of allocated sites are unable to deliver both the Core Strategy affordable housing targets and the proposed CIL charge. We accept that the current economic climate makes it difficult to achieve both, however the scale of the impact of the CIL charge on affordable housing is clear.

We are more concerned by the assumption in the BNP Paribas response that the flexible wording within the Core Strategy policy is used to allow CIL to be set at a level that will reduce affordable housing targets on allocated sites. The purpose of the flexibility within this policy was to ensure that the affordable housing requirement was flexible so it did not stop development coming forward. It was based on viability evidence that showed that delivering affordable housing at the current levels would require site-by-site negotiations and reductions in the levels required, where appropriate, in combination with reductions to planning contributions. CIL does not offer this flexibility, but that does not mean that the affordable

housing requirement should be arbitrarily reduced due to lack of flexibility. This would be contrary to emerging guidance on CIL as set out as part of the Localism Bill debate in the House of Lords 17 October 2011, Lord Attlee, Conservative Peer and Government Whip in the House of Lords stated:

'The statutory framework for CIL provides for protection for affordable housing. This was, no doubt, in the minds of the previous Administration when they implemented the levy. However, we acknowledge that the guidance does not set this out as clearly and robustly as it could. We will revisit the guidance to make it clear that the imposition of a levy must not harm the delivery of affordable housing or other local policies set out in the local plan. I have asked my officials to work with the National Housing Federation to develop appropriate changes and we will reflect on the outcome in updated guidance from the Secretary of State.'

We therefore restate our concerns about the implementation of CIL as set out in our previous representations (enclosed).

Older Person Care and Accommodation

We welcome the changes to charge C2 Use Class development £0, as per our previous recommendations. The recognition of the different funding situations for older person care and accommodation is welcomed. However, we consider that this same principle should be applied to older person care and accommodation which sits within the C3 Use Class, sheltered housing and including some forms of Extra Care housing. This will not have the same levels of returns through sales as general market housing and consideration needs to be given to determine if the same levels of CIL could be charged for these types of development. Setting a CIL charge for types of development that are unviable would create a significant barrier for development and make the Charging Schedule unsound.

CIL Instalments Policy

We welcome the introduction of an instalments policy for CIL payments. As per our previous representations these should help deliver schemes where viability is marginal and could make it more viable to provide additional affordable housing on site in some cases.

Our view is that there should be a split of payment between commencement and occupation. The reason for this is that there will be many brownfield sites which will commence development but then spend long periods decontaminating or clearing the site. This will eat in to the time they have before CIL payments need to be made and they would be paying towards infrastructure on a site long before it begins to put any strain on it.

Tying payment to commencement would also be contrary to advice in March 2011 Ministerial Statement Planning for Growth that local authorities should be ensuring that planning contributions are charged in a flexible manner. Any contributions should be collected in a manner which allows stalled developments to come forward. We recommend splitting the instalments payments, with the final 50% payable on occupation when the developer will have begun receiving income from sales.

Exceptional Circumstances

We consider the Council should set out exceptional circumstances under which CIL charges will be waived, in addition to social housing and organisations with charitable status. We note the Council's intention not to set out such circumstances, however we consider this position to be too inflexible. We consider that it will be extremely likely that there will be circumstances where a combination of high land de-contamination costs and site specific contributions will be combined to make a site unviable. In these circumstances relief from CIL should be offered to allow the site to come forward.

Monitoring of CIL

Whilst the Charging Schedule may not be the most appropriate place for a statement on how CIL will be monitored, we would expect some reference to be made, potentially in the Annual Monitoring Report.

Viability Assessment

We restate our previous concerns about the assumptions within the viability assessment from our last representations (enclosed).

The above comments are intended to be constructive and we consider it important that the Council create policies which are capable of delivering appropriate amounts of affordable housing.

Yours sincerely



JAMIE SULLIVAN

For and On Behalf Of
TETLOW KING PLANNING

cc: Guinness Hermitage Trust
Jephson Housing Association
Aster Group
Spectrum Housing Association
Sovereign Housing Association

Green Square Group
Knightstone Housing Association
Sanctuary Housing Group
Somerset Housing Association

Tim Southall

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Enc M5/0104-16



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Mr Jim Cliffe
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Bristol City Council
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BS1 5UY

20 January 2012

JAS M5/0104-16

By Post and Email
bdf@bristol.gov.uk

Dear Jim

RE: BRISTOL CITY COUNCIL – COMMUNITY INFRASTRUCTURE LEVY PRELIMINARY DRAFT CHARGING SCHEDULE – NOVEMBER 2011

We represent the **South West HARP Planning Consortium** which includes all the leading Housing Association Registered Providers (HARPs) across the South West. Our clients' principal concerns are to optimise the provision of social/affordable housing and to ensure the evolution and preparation of consistent policies throughout the region.

Our representations are as follows:

When is CIL payable?

We welcome the Council's proposed instalment policy on CIL liabilities greater than £35,000. This will ensure more developments with viability concerns come forward and could also make additional affordable housing viable on some schemes.

Summary of viability conclusions

Other Chargeable Development

We note the Council's intention to charge all other development as defined by page 8 a flat £50m² charge. We do not consider that this is supported by evidence and may stop important development coming forward in the city. The Council states that bingo halls, cinemas and care homes come forward infrequently and so there is insufficient data to provide a meaningful assessment of the impact of CIL. We consider that with no evidence for any charge, none should be set.

Our main concern is that the CIL charge would make many C2 developments for older person care and accommodation unviable. These developments rely on the revenue streams outside of outright sale to make them viable and therefore may not be able withstand an upfront CIL charge. Whilst the overall growth in percentage terms of older people is lower than the national average, in Bristol there will still be very significant numerical growth from this age group and there will be an increasing need for such developments. They have changing care needs which will often need to be met through C2 older person care and accommodation developments. Setting a rate of CIL for this type of development could stop it coming forward and would be contrary to the CIL regulations.

Charging Wards

We note that the Council intend to set two levels of CIL using the inner and outer zones of the city, which are the same as those used for the affordable housing policy. We have previously highlighted in representations to the Core Strategy that we do not consider that the inner zone boundary to be correctly drawn. It includes lower value areas such as Easton and St Pauls. We consider that the introduction of CIL charges which are higher than the tariff based contributions could further threaten the regeneration of these areas. It will also cut in to the amount affordable housing that can be provided in these areas, as CIL will be non-negotiable. There are also areas in South Bristol, such as Knowle West and Hartcliffe which are desperately in need of regeneration, and development in these areas is considered a strategic objective of the Core Strategy.

We consider that the Council should consider making these areas exempt from CIL to encourage regeneration and increase the amount of affordable housing that is viable in these areas. We understand that the Council wishes to set a simple charging schedule which is easy to understand. We also note that the Inspector for the Shropshire CIL Charging Schedule stated that charging rates should be as simple as possible and not set to fit viability for every area, as this might relate to setting 12 different levels of CIL across the county. However, we do not consider that a third level of CIL is unreasonable or overly complex. By contrast it would allow development to occur in these parts of the city.

Impact of CIL Compared to Section 106 Tariff

We are pleased to see that the Council have provided additional comparative information to show the impact of CIL to the Tariff based obligations. We note the Council's assumption that very few sites for 15 – 39 units come forward in the city except from Housing Associations, we would be interested to know how many sites of this size have come forward in recent years compared to ones of 40+ units in size. In any case, the Council should note that with less public funding around, housing associations may have to consider using general market housing to cross subsidise these types of schemes, which would have to make CIL contributions.

We note that the information theoretically shows that level of CIL on 40+ units is not significantly higher. However, this is only tested on one housing type, we would like to see the Council provide more information on the level of CIL expected from different housing types, perhaps even a scheme with different housing types, before it can be concluded that the level of CIL proposed is not significantly higher than the tariff based system.

Furthermore, we still remain concerned that the introduction of CIL, which is non-negotiable will squeeze out the delivery of affordable housing even if the CIL charge is shown to be no higher than the Tariff based system. This is because currently where viability is an issue, the tariff based contributions can be reduced by a proportion to continue to allow some affordable housing to come forward. When CIL is introduced it can not be reduced down, meaning that all reductions will come from the affordable housing requirement.

The Council's viability assessment shows that for the South Zone 15% affordable housing and a £50 charge from CIL would be viable. However, this is just one type of development (50 units at 120 dph) in one zone. As such, it does not demonstrate that 15% affordable housing is achievable with the proposed CIL charge in the Outer Zones of the city. Different types of development in different areas also need to be modelled.

Further work is needed to demonstrate that the affordable housing policies from the Core Strategy will not be prejudiced by the introduction of this CIL charging schedule. This is to ensure that the charging schedule would not be contrary to emerging guidance for CIL, as stated by Lord Attlee in the House of Lords during a debate on the Localism Bill, as set out below:

'The statutory framework for CIL provides for protection for affordable housing. This was, no doubt, in the minds of the previous Administration when they implemented the levy. However, we acknowledge that the guidance does not set this out as clearly and robustly as it could. We will revisit the guidance to make it clear that the imposition of a levy must not harm the delivery of affordable housing or other local policies set out in the local plan. I have asked my officials to work with the National Housing Federation to develop appropriate changes and we will reflect on the outcome in updated guidance from the Secretary of State.'

Affordable Rent

We note from the Council's viability assessment that they have not taken in to account the impact of affordable rent in this study as the Council do not accept it as a form of affordable housing. Given the importance the Government places on this affordable housing product, we question whether it would be prudent to at least assess the implications of this new product on viability, even if the Council continues to refuse to recognise it as affordable housing.

Changes to Affordable Housing Policy

We are aware that the Council wants to set a new affordable housing requirement for developments of less than 15 units through the Development Management DPD. However, it does not appear that this has formed part of the Council's viability assessment on schemes of less than 15 units. The Council should make clear if intends to review its Charging Schedule in light of any changes, or if it considers that the viability assessment forms a robust evidence base in light of any future changes.

Additional Points

The Council needs to set out the exceptional circumstances under which CIL charges will be waived, except for charitable relief and for social housing. It also needs to set out what proportion of CIL will be retained for local communities.

We also note that there is not section on monitoring the impact of CIL. We consider that the Council needs to set how it intends to assess the impact of CIL on development in the city and the delivery of affordable housing. There should be clear mechanism within this to trigger a review of CIL and the charges within it if monitoring demonstrates it is having a detrimental impact on either.

The above comments are intended to be constructive and we consider it important that the Council create policies which are capable of delivering appropriate amounts of affordable housing.

Yours sincerely



JAMIE SULLIVAN
For and On Behalf Of
TETLOW KING PLANNING

cc: Guinness Hermitage Trust
Jephson Housing Association
Aster Group
Somerset Housing Association

Tim Southall

Green Square Group
Knightstone Housing Association
Spectrum Housing Association
Sovereign Housing Association

Phil Spooner

Response No 6

**Barbara Morgan
Network Rail**

Bristol Development Framework - CIL Draft Charging Schedule

From: Morgan Barbara <Barbara.Morgan@networkrail.co.uk>
To: "bdf@bristol.gov.uk" <bdf@bristol.gov.uk>
Date: 30/03/2012 08:46
Subject: CIL Draft Charging Schedule

Dear Sir/Madam

Network Rail has been consulted by Bristol City Council, on the CIL Draft Charging Schedule. Thank you for providing us with this opportunity to comment on this Planning Policy document.

Upon the review of this document, the comments supplied on 17th January 2012 remain the same and we have no further comments to make.

Regards,

Barbara Morgan
Town Planning Technician (Western)

Please send all notifications and consultations to townplanningwestern@networkrail.co.uk or by post to Network Rail, 3rd Floor, TemplePoint, Redcliffe Way, Bristol BS1 6NL

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Jim Cliffe - Fwd: Community Infrastructure Levy Consultation

From: Bristol Development Framework
To: Jim Cliffe
Date: 17/01/12 11:04
Subject: Fwd: Community Infrastructure Levy Consultation

>>> Morgan Barbara <Barbara.Morgan@networkrail.co.uk> 17/01/12 10:33 >>>

Dear Sir/Madam

Network Rail has been consulted, by Bristol City Council, on the Community Infrastructure Levy (CIL) document. Thank you for providing us with this opportunity to comment on this Planning Policy document.

Upon the review of this document, Network Rail has the following future rail schemes to promote which we would welcome developer contributions through CIL, these include:-

- Four tracking Dr Days Junction – Filton Abbey Wood
- Station improvements at Bristol Temple Meads and Bristol Parkway
- Turnback facility at Yate
- Linespeed improvements between Bristol and Plymouth
- Station enhancements and accessibility improvements to Bedminster and Parson Street Stations
- Reinstatement of passenger services on the Portishead line
- Developments around Temple Quarter Enterprise Zone to facilitate passenger throughput to Bristol Temple Meads.
- Access improvements at Lawrence Hill, Parson Street and Bedminster Stations
- Provision of CCTV at all stations within the Bristol area.

We would also welcome developer contributions to station improvements and transport interchanges within the Bristol area.

Notwithstanding the above, I also enclose a link to Network Rail's website;

<http://www.networkrail.co.uk/browseDirectory.aspx?dir=IRUS%20Documents&pageid=2895&root=>

This link provides access to Network Rail's Great Western Route Utilisation Strategy (March 2010) of which sets out the strategic vision for the future of the railway in this vital part of the railway network. It is hoped that this will be of use to the Council to keep you up to date with future aspirations for railway development in Bristol.

Regards,

Barbara Morgan
Town Planning Technician (Western)

Please send all notifications and consultations to townplanningwestern@networkrail.co.uk or by post to Network Rail, 3rd Floor, TemplePoint, Redcliffe Way, Bristol BS1 6NL

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Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office Kings Place, 90 York Way London N1 9

Response No 7

**Liz Summers
GVA Grimley**



Our ref: 07B110812

Your ref:

30th March 2012

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Direct Dial: 0117 988 5308
Liz.summers@gva.co.uk

Dear Mr Cliffe

BRISTOL CITY COUNCIL COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE MARCH 2012

On behalf of our client, The Unite Group Plc ('Unite'), we write to you to submit representations in respect of the Council's Community Infrastructure Levy (CIL) Draft Charging Schedule. This should be read in conjunction with our previous representations to the CIL and Preliminary Charging Schedule, submitted on the 19th January 2012.

By way of background, Unite are the UK's leading developer and manager of purpose-built student accommodation, established in 1991. Unite are represented throughout 24 key university towns and cities and furthermore, also have their head office situated in Bristol. Unite are currently a major landowner with multiple sites across the City and work closely with both the University of Bristol and the University of the West of England (UWE).

As stated in our January response to the Preliminary Charging Schedule, Unite welcomes, in principle, the proposal for Bristol City Council (BCC) to adopt a Community Infrastructure Levy (CIL) Charging Schedule. It is our view that this measure will potentially speed up the planning process and provide far greater certainty over the likely infrastructure costs for development over and above the present arguably 'uncertain' nature of Section 106 Agreements. However, we do have significant concerns over the proposed rate of £100 per square metre for student accommodation.

On behalf of Unite, we question the rate of the CIL both in the context of the proposed charges for alternative residential accommodation in the City and the charging schedules identified in other local authorities. Whilst we accept that the viability analysis has been undertaken with Bristol City in mind specifically, it is our view that this will have significant implications on the competitiveness of Bristol to deliver high quality student accommodation and could therefore impact upon its future offer as a University City.

As previously stated, with regards to the above justification for the proposed CIL rates, we do not believe that a 'one fits all' viability appraisal is appropriate for student housing. The majority of student housing schemes are in or close to the city centre and on Brownfield sites. Therefore, the costs and associated viability varies significantly between projects. The CIL approach may not allow for site specific circumstances (i.e. abnormal site preparation costs) to be factored in, which

may have implications for viability (which according to the regulations would not be an acceptable 'exceptional circumstance'). We therefore seek clarification with regards to the application of CIL allowing for sufficient flexibility to factor in site specific circumstances.

To reiterate from our previous response, we question the appropriateness of student accommodation schemes contributing towards all infrastructure delivery programmes. The characteristics of student accommodation are unique with little or no impact on: education (paid for independently with the Universities); child play provision; highways improvements which are required as a result of an increase in private vehicular trips (the majority of Unite accommodation is car-free) and; Libraries (Universities provide library services). Therefore, we request that the proposed scale of contributions is reviewed to reflect the impact that student accommodation has on these aspects of infrastructure provision.

Whilst we acknowledge that viability will differ between local authorities, we have significant concern over the rates proposed for student housing with this being significantly higher when compared to comparable University towns and cities. Exeter City Council published their Draft Charging Schedule on the 20th March 2012 and this proposes £40 per square metre for CIL with weekly student rental rates comparable to that of Bristol. Plymouth City Council has just finished consulting on their Draft Charging Schedule which is proposing £60 per square metre for student accommodation with this reducing to a nil rate for developments over six storeys. Whilst we acknowledge that there is a funding gap in Bristol, it is not appropriate to expect student housing to provide such a substantial sum given the reduced impact that students have on local and strategic infrastructure.

Bristol as a city is a recognised University City with two universities represented, albeit with the UWE campus situated outside of the administrative boundary. Part of the offer for prospective students is the range of accommodation available and Unite are committed to ensuring that there is an adequate supply of high quality units. The proposed CIL charging schedule is at a level where the attractiveness of Bristol as a place to invest in student accommodation is impeded and this could have substantial implications for associated industries and the local economy as a whole.

Unite is committed to their existing portfolio of student accommodation in addition to responding to the growing need for purpose built accommodation by the two universities. We are therefore keen to discuss the emerging CIL Charging Schedule in more detail and how this will impact upon the competitiveness of Bristol as a University City in the future.

We trust that the comments provided herein are useful and will be fully taken into account when taking the Charging Schedule for CIL forward. If you require any further information please do not hesitate to contact me on 0117 988 5308 or liz.summers@gva.co.uk

Yours faithfully



Liz Summers BSc (Hons) MSc MRTPI
Senior Planner
For and On Behalf of GVA

Response No 8

**Jeremy Blaydon
CSJ Planning**

Jim Cliffe - FW: CIL Consultation

From: Jeremy Bladon <jb@csj-planning.co.uk>
To: Jim Cliffe <jim.cliffe@bristol.gov.uk>
Date: 30/03/2012 13:40
Subject: FW: CIL Consultation
Attachments: 01-18 Cliffe Let.docx; 01-20 CIL (2).docx; 01-20 CIL consultation response.doc

Jim

Understood. Representations attached. We would like to appear at the Hearing.

Many Thanks

Jeremy

From: Jeremy Bladon
Sent: 30 March 2012 09:52
To: 'bdf@bristol.gov.uk'
Cc: 'Patrick Finch'; Andrew Beard
Subject: CIL Consultation

Dear Sir

As you will be aware CSJ Planning Consultants Ltd provided representations to the City Council regarding the preliminary draft charging system on behalf of the company, University of Bristol and Avon and Somerset Police Authority on the 19th and 20th January 2012.

After consideration by the Councils Cabinet on 23rd February, further consultation was invited on the Draft Charging Schedule.

We are of the view that the representations made by CSJ Planning and on behalf of clients have not been adequately taken into consideration by the Council and would therefore reserve the right to make representations at any forthcoming Hearing in front of an Inspector.

Could you keep us informed as to the programme for the Hearing and the dates by which evidence will need to be provided.

Many Thanks

Jeremy

Jeremy Bladon
BA(HONS) DIP TP MRTPI
Director
CSJ Planning Consultants Ltd

Chartered Town Planning Consultants
1 Host Street, Bristol BS1 5BU
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www.csj-planning.co.uk

Appeal Success! Silverhill School, Winterbourne

-



CSJ PLANNING

Jim Cliffe
Planning Obligations Manager
Strategic Planning Team
Bristol City Council
Brunel House
St Georges Road
Bristol, BS1 5UY

JB.4626/JC/sc
19th January 2012

Dear Jim,

CONSULTATION RESPONSE ON BEHALF OF THE UNIVERSITY OF BRISTOL ON THE REVIEW OF SPD4 AND THE COMMUNITY INFRASTRUCTURE LEVY (CIL) PRELIMINARY DRAFT CHARGING SCHEDULE

Further to the publication of the above documentation, I write on behalf of the University of Bristol with observations and representations regarding the above two consultation documents.

I first deal with issues concerning the Community Infrastructure Levy (CIL) and the Preliminary Draft Charging Schedule and then go on to make some observations on the revision to SPD4 – Planning Obligations.

Community Infrastructure Levy (CIL)

The University of Bristol are fully aware of the CIL regulations coming into force and the introduction of the new system of raising funds alongside the Section 106 regime which will remain for site specific mitigation measures and affordable housing.

The key issue which requires confirmation from Bristol City Council, in our view, is the fact that the University of Bristol is a registered charitable institution and thereby under part 6 of the statutory instruments relating to CIL, which deals with exemptions and relief, will fall under this section.

Under exemptions for charities, Section 43(1) states that:-

“43.

- 1 *An owner of a material interest in the relevant is exempt from liability to pay CIL in respect of a chargeable development if:-*
 - (a) *is a charitable institution; and*
 - (b) *the chargeable development will be used wholly or mainly for charitable purposes.*
- 2 *But paragraph (1) does not apply where:-*
 - (a) *that part of the chargeable development to be used for charitable purposes will not be occupied by or under the control of a charitable institution;*

Continued...

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Continued.....2/
JB.4626
19th January 2012

- (b) the material interest is owned by jointly with a person who is not a charitable institution; or*
 - (c) exemption of the owner from liability to pay CIL would constitute a state aid.*
- 3 *For the purposes of paragraph (1) use of a chargeable development for charitable purposes includes leaving it unoccupied."*

This is particularly relevant to the University of Bristol's aspirations to develop student accommodation, particularly for its first year student intake and foreign students. Where the University of Bristol as a registered charitable institution is developing its land or redeveloping existing halls of residence for students to occupy, this would, in our view, constitute exemption from CIL. As long as the University is undertaking this development solely and not as part of a joint venture with a developer and it will be managed and controlled by the University of Bristol for the sole purpose of providing student accommodation it is, in our view, exempt.

We do not believe that the exemption of the University of Bristol from liability to pay CIL constitutes a state aid under European Law.

Confirmation from Bristol City Council that the University of Bristol is exempt from CIL would be welcomed in order that there is no doubt in anyone's mind as the University moves forward with development either for student accommodation or educational purposes in the City.

Notwithstanding the above, non-residential institutions (D1) schemes which include education establishments such as Universities are currently proposed to generate a nil rate in terms of CIL. We would ask that the section on non-residential institutions on page 8 of the CIL Preliminary Draft Charging Schedule reflects this and adds University establishments.

As an aside and for clarification, the document is silent on C2 residential institutions such as hospitals, nursing homes and residential education and training centres. Please could you provide clarification as to whether CIL is deemed to be applicable for such uses? We would argue that as with D2 residential institutions, if an education institution happens to have an element of residential use attached to it, it would still attract a nil rate of CIL. Indeed, we would make the same argument for uses that fall into the Use Class C2a (secure residential institutions) such as prisons and custody suites.

Clarification of the above issues by Bristol City Council to the University of Bristol would be appreciated. The University of Bristol is one of the major institutions within the City and constitutes a charitable institution. The capital programme for the University is substantial and it is important that the institution understands the Council's stance regarding CIL before making a number of strategic decisions which would result in the enhancement of the University's academic, social and residential facilities, the ultimate spin-off of many jobs and the retention of Bristol as one of the top Universities in the country.

Continued...

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Continued.....3/
JB.4626
19th January 2012

Although not directly related to the University of Bristol's business, the University has supported good quality private sector managed student accommodation within the City Centre as it recognises that it cannot provide student accommodation for all its students on its own landholdings. The development of such student accommodation not only provides urban regeneration projects within the City and life and vitality, but it also takes the pressure off houses in multiple occupation in other part of the City which has, over the years, been perceived as a problem through studentification.

The University has some concerns over the level of CIL to be expected from such private sector student accommodation projects and the effect this may have on delivery. Given that both the City Council and Universities within the City have supported student accommodation schemes within the City Centre for the reasons given above. It would be a great shame if the CIL at the level proposed stagnated this development and brought into jeopardy future schemes.

Finally, there appears to be a catchall on page 8 of the document under the heading "*Other Chargeable Development*" this suggests that new development that occurs infrequently such as cinemas, bowling alleys, bars and restaurants, bingo halls, stadia, nursing homes etc will attract a CIL rate of £50 per m² on all relevant development not covered elsewhere in the charging schedule. We do not believe that this meets the terms of the CIL Regulations and is being utilised as a catchall for any development that might not fall within the categories identified elsewhere in the document.

As Bristol City Council state in the beginning of this document, one of the key purposes of CIL is to provide certainty for those developing land and buildings. The introduction of this paragraph provides uncertainty and, in our view, should be clarified. A clear indication of other land uses and the CIL rate attracted by them should be laid out with the necessary evidence base. As it currently stands, this just provides uncertainty.

Finally, it would be very useful to provide, within the CIL Preliminary Draft Charging Schedule, an indication of the review period for the tariffs set. Our understanding from the CIL Regulations is that there will be an obligation on Local Planning Authorities to review the CIL tariffs every 5 years. Although this is enshrined within the regulations, it is our opinion that the market can move greatly within a 5 year period, as we have seen over the last 5 years. There is an inherent danger, therefore, that CIL could act as a break on investment within the City within certain land uses if CIL is not kept under review at least every 2 years. This is something you may want to reflect upon.

Revision to SPD4 (Planning Obligations)

I set out my comments on the revision to SPD4 by reference to the page no's.

Continued...

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Continued.....4/
JB.4626
18th January 2012

Page 2

The CIL Regulations specifically state that Section 106 Agreements will be utilised in the future, once CIL has been adopted for affordable housing and other site specific measures. Page 2 of our revision to SPD4 document states that sites specific measures is 10 bullet points on a list that you are recommending covers Section 106 Obligations.

We would assert that travel plans, supporting retail centres, removing barriers to employment, highway infrastructure works, landscape and areas of public realm may not be relevant in this list. They are only relevant if they are providing on-site mitigation.

In other words, landscape schemes and areas of public realm within the red line of a planning application would fall within a Section 106. As currently drafted, one could interpret these to be either on-site or off-site, especially given the bullet point talking about site specific measures.

The same goes for highway infrastructure works. The majority of highway infrastructure works tend to be off-site and tend to be dealt with through a Section 278 Agreement.

Clarification on these issues needs to be provided within the report and only on-site mitigation which mitigates the impact of a specific development should be included. It should also always meet the terms of Regulation 122 of the CIL Regulations in terms of the three tests to be satisfied to make such an on-site contribution acceptable.

We hope that you will be able to discuss the content of this letter with us in due course and I will be happy to meet to discuss issues contained within this letter, if required.

With kind regards,
Yours sincerely

Jeremy Bladon
Director
jb@csj-planning.co.uk

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Jim Cliffe
Planning Obligations Manager
Strategic Planning Team
Bristol City Council
Brunel House
St Georges Road
Bristol, BS1 5UY

AB.9000/sc
20th January 2012

Dear Jim,

CONSULTATION RESPONSE ON BEHALF OF AVON AND SOMERSET POLICE ON THE REVIEW OF SPD4 AND THE COMMUNITY INFRASTRUCTURE LEVY (CIL) PRELIMINARY DRAFT CHARGING SCHEDULE

Further to the publication of the above documentation, I write on behalf of Avon and Somerset Police (ASP) specifically in relation to their site at New Bridewell, which is identified in SPD8 and is likely to come forward with a significant element of student accommodation.

I am aware that Andrew Batchelor (Hartnell Taylor Cook) has also written on this matter and in relation to Hotels. We will both be jointly pursuing these matters at the Hearing, hence this representation.

Community Infrastructure Levy (CIL)

Our basic response is that we challenge the BNP Paribas viability work which underpins the schedule.

The scheme examples used appear paper book exercises and do not reflect the actual real market out there in Bristol in our view.

Whilst student accommodation is being delivered in this market better than general residential it cannot sustain the CIL charges and our concern is that it will in fact render one aspect that is actually positive in this awful recession, unviable and stall recovery even further.

This equally applies to hotels in Bristol.

We urge the City Council to reflect the current economic climate and reduce the charging schedule further to encourage development and regeneration.

We welcome detailed discussions on this point where we can go through some of the assumptions together prior to the hearing.

We will be bringing these points forward to the Inspector and is similar to the debate at the recent Core Strategy Hearing where a number of the viability examples to justify affordable housing policies were successfully shown not to reflect actual development costs and constraints in the city.

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C S J P L A N N I N G

We hope that you will be able to discuss the content of this letter with us in due course and I will be happy to meet to discuss issues contained within this letter, if required.

Yours sincerely

Andrew Beard
Director
ab@csj-planning.co.uk

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C S J PLANNING

Bristol City Council
Mr. Jim Cliffe
Planning Obligations Manager
Strategic Planning Team
Bristol City Council
Brunel House
St Georges Road
Bristol
BS1 5UY

Our Ref: CSJ/AB/9000
Date: 20th January 2012

Dear Jim,

Community Infrastructure Levy ("CIL")

I write to make representations on the current public consultation exercise and would like to request to attend the Hearing in due course.

This matter is very important to the next 5 years of development and regeneration in Bristol, particularly in this current uncertain economic market of recession.

It appears to us that the harsh realities of the economic market are not fully appreciated by the City Council and that the planning process itself is slow and cumbersome to react.

The CIL process was debated by Government at a time of economic prosperity and whilst now lawful does not have to be implemented by Local Planning Authorities and one could argue that in this economic market, it is only directly related s106 obligations that should be required and that the tariff based approach is inappropriate in this market.

I raise serious objections to what appears to be an attempt by Bristol City Council to not only introduce CIL but also retain large elements of a revised SD4 which are off-site and not directly related to the site to allow development to proceed.

It appears developers will be faced with actually less certainty as there could be three pots to be met

a) Direct site requirements & affordable housing; b) CIL, and also c) a revised SPD4.

I would like to challenge this approach and have this debated at the Forthcoming Hearing. This is a matter which is of concern to a whole host of our clients.

Our detail comments on this matter are as follows

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Revision to SPD4 (Planning Obligations)

I set out my comments on the revision to SPD4 by reference to the page no's.

Page 2

The CIL Regulations specifically state that Section 106 Agreements will be utilised in the future, once CIL has been adopted for affordable housing and other site specific measures. Page 2 of your revision to SPD4 document states that sites specific measures are 10 bullet points on a list that you are recommending covers Section 106 Obligations.

We would assert that travel plans, supporting retail centres, removing barriers to employment, highway infrastructure works, landscape and areas of public realm may not be relevant in this list. They are only relevant if they are providing on-site mitigation.

In other words, landscape schemes and areas of public realm within the red line of a planning application would fall within a Section 106. As currently drafted, one could interpret these to be either on-site or off-site, especially given the bullet point talking about site specific measures.

The same goes for highway infrastructure works. The majority of highway infrastructure works tend to be off-site and tend to be dealt with through a Section 278 Agreement.

Clarification on these issues needs to be provided within the report and only on-site mitigation which mitigates the impact of a specific development should be included. It should also always meet the terms of Regulation 122 of the CIL Regulations in terms of the three tests to be satisfied to make such an on-site contribution acceptable.

Page 6

We note that the City Council has done away with thresholds for trigger points on Section 106 obligations. Having no minimum threshold below which obligations will not be sought, opens up a whole raft of development for potential Section 106 contributions. It appears to be left with the interpretation by the City Council as to the nature, type, location and impact of the proposal as to whether or not the Section 106 contributions are necessary. Again, this provides for uncertainty which the CIL Regulations were trying to overcome.

It is our view that thresholds should remain below which Section 106 contributions do not trigger. This is especially so in tight urban areas where redevelopment of small

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sites which can, in many instances, have abnormal costs tipped into un-viability and, therefore, un-implementation through such a policy. Clear advice should be given on this.

Page 6 goes on to introduce the concept that if on-site facilities are neither practical nor appropriate the Council will require a financial contribution towards the provision of necessary measures to mitigate the impact of the development off-site. This may be appropriate to affordable housing, but is certainly not to other topics described before. The whole point of a charging system for CIL is to provide for such things as public open space and public realm off-site. The City Council are effectively putting a double-charge on some elements of CIL, in our view. The CIL Regulations are quite clear, on-site mitigation is dealt with through a Section 106 Agreement plus affordable housing; the rest is captured by the CIL tariff.

Page 7 – Input from Local Communities

The CIL Regulations actively encourage a percentage of CIL receipts to go to the local neighbourhood partnerships and to be spent through neighbourhood plans. The City Council appears to be trying to introduce this concept for Section 106 planning obligations as well. Again unless it is on-site provision this is, in our view, double counting CIL.

Page 10

We welcome the proposed reporting of Section 106 monies on the City Council website on a monthly basis. This will make the system far more transparent.

As an aside, having worked in Bristol over the past 10 years in the private sector and dealt with numerous s106's for open space improvements I find it hard to recall one new park or improved facilities adjacent any of my developments. It is important that CIL and s106 do deliver the works they set out to achieve to gain public confidence and not suspected as merely revenue subsidies for the City Council.

We hope that you will be able to discuss the content of this letter with us in due course prior to the Hearing and I will be happy to meet to discuss issues contained within this letter, if required.

Yours sincerely

Andrew Beard
Director
ab@csj-planning.co.uk

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Response No 9

**Gary Parsons
Sport England**

Bristol Development Framework - CIL - Draft Charging Schedule

From: "Gary Parsons" <Gary.Parsons@sportengland.org>
To: <bdf@bristol.gov.uk>
Date: 30/03/2012 15:41
Subject: CIL - Draft Charging Schedule
CC: <jonathan_amphlett@bristol-city.gov.uk>

Thank you for consulting Sport England on the Community Infrastructure Levy (CIL) - Draft Charging Schedule (2/3/2012).

Sport England is the Government agency responsible for delivering the Government's sporting objectives. Maximising the investment into sport and recreation through the land use planning system is one of our priorities. You will also be aware that Sport England is a statutory consultee on planning applications affecting playing fields.

Sport England has considered the CIL DRAFT charging schedule in the light of Sport England's Planning for Sport & Active Recreation: Objectives & Opportunities (Interim Statement 2005).

The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to ensure the sport and recreational needs of local communities are met.

1. COMMENT – Local Plan & CIL Evidence Base

The National Planning Policy Framework (NPPF) published this week:

Para 73 – Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to health and well-being of communities. Planning policies should be based on up-to-date assessment of the needs for open space, sport and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

We are currently working with the City Council regarding the Playing Pitch Strategy and are in current discussions to start work on a Built Facilities Strategy with the Council's Sport & Leisure team to develop an evidence base for the Local Plan and CIL. It is not clear how this evidence base has been/will be taken into account to develop the CIL DRAFT charging schedule.

We look forward to the development and publication of Bristol's 'Regulation 123 List'.

2. SUPPORT – Planning Obligations/Community Infrastructure Levy to Sport

Sport England supports use of planning obligations/community infrastructure levy as a way of securing the provision of new or enhanced places for sport and a contribution towards their future maintenance, to meet the needs arising from new development. This does need to be based on a robust NPPF evidence base (para 73). This includes indoor sports facilities (swimming pools, sports halls, etc) as well as playing fields and multi use games courts.

All new dwellings in Bristol in the local plan period should provide for new or enhance existing sport and recreation facilities to help create opportunities for physical activity whilst having a major positive impact on health and mental wellbeing.

Planning, leisure and sports officers should:

- Assess existing information on the need and demand for sport and recreation provision in terms of how it will assist in creating a CIL charging schedule
- Look at the potential for adapting any existing standard charge approaches to sport, currently used

for section 106 agreements, into CIL charges

- Ensure liaison between sport and planning officers results in built sports facilities, as well as outdoor facilities such as playing fields, being included in CIL charging schedules
- Consider how lists of appropriate projects, in areas affected by development, can be established and prioritised for implementation

For information regarding planning obligations for sport:

http://www.sportengland.org/facilities_planning/planning_tools_and_guidance/planning_contributions.aspx

For more information re: sport and CIL:

http://www.sportengland.org/facilities_planning/planning_tools_and_guidance/planning_contributions_-_what/community_infrastructure_levy.aspx

I hope that this response is helpful to the Council in determining how to take the CIL DRAFT charging schedule forward. If you would like to discuss any of the above comments or if we can be of any further assistance in the development of future Local Plan documents, please do not hesitate to contact me via planning.south@sportengland.org.

Yours sincerely

Gary Parsons MSc MRTPI
 Planning Manager
 T: 020 7273 1861 (or 020 7273 1777)
 M: 07711 086487
 F: 01460 77263
 E: gary.parsons@sportengland.org



Creating sporting opportunities in every community
 Sport England, 69 North Street, Crewkerne, Somerset, TA18 7LQ.

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Response No 10

**Bill Marshall
University of the
West of England**



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Mr Jim Cliffe
Planning Obligations Manager
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Bristol City Council
Brunel House
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BS1 5UY

30 March 2012

Dear Mr Cliffe

Bristol City Councils CIL Draft Charging Schedule

Please see below my representations:

1. The Charging Schedule should make it clear that all student accommodation provided and controlled by the educational institution itself will be exempt from CIL because it falls squarely within the charitable exemption set out in Regulation 43.
2. In any event, all student accommodation should be exempt from CIL because the additional cost incurred in paying CIL will have to be passed on to students in the form of increased rent. This would be likely to deter students from renting purpose built accommodation, which would increase pressure on the private rented sector, where they would be competing with others and/or may deter students from coming to Bristol, which would be to the detriment of the wider economy.

Yours sincerely

W J Marshall
Assistant Vice-Chancellor
Finance and Commercial Projects

bettertogether

University of the West of England, Bristol
Vice-Chancellor Professor Steven West

Response No 12

**David Westbrook
Natural England**

30 March 2012

Our ref: 47319



Jim Cliffe
Planning Obligations Manager
Strategic Planning Team
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BY EMAIL ONLY

Dear Jim

Bristol City Council Community Infrastructure Levy (CIL): Draft Charging Schedule

1. Thank you for your consultation dated 2 March 2012, which we received on the same date.
2. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
3. The comments Natural England made in response to the Draft preliminary Schedule (see our letter of 20 January 2012) are, for the most part, still applicable to the current consultation.
4. We are pleased to note that the key infrastructure requirements identified within the updated Infrastructure Delivery Plan (IDP) continues to include some important green infrastructure improvement projects. Particular support is offered for the categorisation of publicly accessible green space - as identified within the Parks and Green Spaces Strategy - as "essential".
5. This is a welcome improvement and recognition that green infrastructure is a vital component of the infrastructure necessary to support growth, as explained within the Core Strategy - directly contributing to health, social, environmental and economic wellbeing in addition to delivering essential ecosystem services.
6. On our earlier point about keeping the CIL rates under review, we note that Plymouth City Council has signalled its intention to develop a review mechanism for its area. This might provide a useful case study for Bristol.
7. For any queries relating to this consultation only you are welcome to contact me directly - telephone: 0300 060 2010 or email: david.westbrook@naturalengland.org.uk. For all other consultations and correspondence, please contact the above address.
8. Thank you for your consideration.

Yours sincerely

A handwritten signature in black ink that reads "David Westbrook".

David Westbrook
Land Use Operations

Response No 13

**Dorothy Brown
Bristol Visual &
Environmental Group**

Bristol Visual & Environmental Group

6 Buckingham Vale, Bristol, BS8 2BU Tel: 0117-9736369

S.106 INFRASTRUCTURE LEVY – INCLUDING RELEVANCE TO CASTLE PARK AREA

Planning Transport
Sustainable Development
- 2 APR 2012
Please respond
Working
Referred to

Dear Mr. Cliffe,

We get the general impression that these levies could give far better value for money if they were able to be better worded, so that there was FLEXIBILITY & LOOSE FIT allowed emerging needs to be met. To take an example from Castle Park: I understand that a large S.106 sum has been secured to build an "iconic" bridge for pedestrians & cyclists – way more than it would cost for a traditional functional Bridge for pedestrian purposes. But a bridge would probably fit best into the quayside context if it did not strive to be artificially "iconic," but of traditional materials & well- detailed, while the route for cyclists from the bridge to the top of Union Street, should match the existing cycle path, but discourage speed on the severe gradient. + The WC's which delightfully represent the Newgate, MAY need upgrade.

The original ideas for the rest of Castle Park seemed to incorporate totally unnecessary changes, as the Rampart character of the East end & the high North East wall, seem a very appropriate character for what was the Castle Precinct built, like the Walled City, on the HIGH RIDGE above the Rivers. LESS change for a modest sum, eg. repair to the medieval wall behind the Council Depot, could be achieved, as well as new copies of the original information boards (which are still available) and a stone capped OUTLINE of the original Keep set in short grass on the original site. The trees need drastically thinned and canopies raised, to restore public VIEWS of the of the historic site and the churches' spires and towers at the highest points of the medieval city. It may be cheaper to roof St. Peter's church than tend a ruin.

We also see a fantastic opportunity to expose more of the Castle Moat (which remains underground) with a re-location & redevelopment of the Ambulance Station and there could be flats over the nice stone walled Council Depot, with a possible link to the Castle Chambers which might be part of a café.

All of this could be secured without spending much money over and above present or future S106 levies if it was flexibly worded. The idea of the levies is to make the City and the development funding the levy, more attractive & developers' benefits need to be explained. While I have detailed one particularly important site for which levies are proposed, similar comments might be made about S.106 agreements ON MANY OTHER SITES and when the redevelopment of the "St. Mary le Port" site takes place, my arguments are particularly apt.

We would also suggest that it is important that City Centre residential sites need to be MIXED TENURE and it is very important that GHETTOS of Social Housing are not formed. It is also drastically important that in a mixed use development in a Conservation Area, with a shop or on street use on the front, as for example, in West Street, Old Market, the needs of the frontage user must be respected, as otherwise the original old frontage building ceases to be viable, because of lack of rear access, etc. which it originally possessed. The Council's failure to secure this, has only helped to run down the frontages.

S.106's should also be used to secure the future of Listed Buildings early in the development, so that the historic buildings are repaired and used before the occupation of new buildings in the development. The Council failed to do this in Canons' Marsh, so the great stone Listed Gas buildings still stand roofless.

I am sorry I do not have the expertise to look at the details of things like % of social housing but feel that the principle of not creating any ghetto or large concentration of social housing is more important. To avoid that, it would always be better to allow a developer to use an alternative site for any surplus. Can the policies be made to accommodate these points.

Yours faithfully,

Dorothy Brown

Mrs. Dorothy Brown

30/3/12
cc. Sarah O'Connell

Response No 14

**Andrew Batchelor
Hartnell Taylor Cook**

From: Andrew Batchelor <andrew.batchelor@htc.uk.com>
To: "Jim Cliffe" <jim.cliffe@bristol.gov.uk>
Date: 29/03/2012 09:04
Subject: RE: CIL ...ongoing representations

Jim ,

Once again thanks for your comprehensive response .

BNP/BCC are clearly happy with the assumptions ! I will ask our Professional services department about the technicalities and establish whether there are any further comments from HTC .

Irrespective of the above I am very concerned that the increased Levy if applied at the proposed rates will delay sites development (New Bridewell specifically) at the cost of jobs and regeneration . Unfortunately I can't prove it now but we are in the market and the site is in the market , and it will play out over the course of the year .

Have a good day off and I look forward to continuing the debate when we next meet

regards

Andrew Batchelor BSc MRICS
Partner
Direct Dial 0117 946 4510
Mobile 07836 744015
Email andrew.batchelor@htc.uk.com
Hartnell Taylor Cook LLP

For further information on Hartnell Taylor Cook LLP - visit www.htc.uk.com

-----Original Message-----

From: Jim Cliffe [mailto:jim.cliffe@bristol.gov.uk]
Sent: 28 March 2012 23:04
To: Andrew Batchelor
Subject: RE: CIL ...ongoing representations

Hi there Andrew

I'm not going to be around on Thursday and thought I'd better get back to you ASAP, hence the response at this somewhat uncivilised hour to be thinking about work.

Development such as student accommodation, comes forward on a variety of site types, for example

- 1 - the magistrates court site (a vacant site in sui generis use) which is to be demolished and redeveloped
- 2 - the corner of Pipe Lane and Frogmore Street (a cleared site with no existing use) that has long been vacant
- 3 - 39 to 43 College Green (a disused office block) which has had its use changed
- 4 - Colston Street (previous student accommodation) which has been refurbished and had its use intensified
- 5 - the Bus Station which was demolished and rebuilt with student accommodation developed above the station concourse

The BNP Paribas study is a generic area based study. It is accepted that in undertaking an area based study it is not possible to test every possible Existing Use Value. The BNP Paribas study clearly sets out its approach to the appraisals for non residential uses, which is to assume the development is an intensification of poorer quality development of same use on a site. This information is all contained in the study. The RLV for student accomodation therefore assumes that on the site currently there is a smaller volume of poorer quality student accommodation. The study

calculated an EUV for this and adds a landowners premium of 20% in order to come up with a value at which the site would come forward for redevelopment. It is accepted that there may be some sites that have a higher EUV but that there will also be some that have a lower EUV, and the five examples I've identified above (and there are many others) will broadly reflect this. The approach taken by BNP Paribas is therefore considered to provide a reasonable citywide average EUV for student accomodation.

Using this approach, and assuming weekly rental for the new student accommodation of £117.50 / week, which we know to be very conservative, the BNP Paribas Study concludes that student accommodation could afford CIL at up to £220/m2. The Council's approach of proposing a rate of £100/m2 has been deliberately set at less than 50% of the maximum affordable level, in order to provide a sufficient viability buffer to deal with site specific circumstances (eg sites with a higher EUV, or with higher than usual development costs). Therefore we consider that our CIL rates should not, in the vast majority of cases, stop development from coming forward. and will therefore enable both regeneration and a funding stream for infrastructure to be delivered.

This, in a rather circuitous (not sure of the spelling here) route takes me to your first point. The answer is that the BNP Paribas Study does not try to value the EUV of a vacant magistrates court, as it is an area wide, high level study. The point I was making in my previous email was that the viability for the magistrates court was (as far as I could see) solely based on the price achieved for the site and not on the EUV plus a landowners premium. My understanding of Residual Land Valuations is that they are not based on what is paid for a site but what is a reasonable price for the site to come forward at (i.e EUV plus a landowners premium).

As mentioned previously, the approach taken by BNP Paribas is set out in the CIL Study, and the inputs (such as the approach to Existing Use Value) are all contained within it. Therefore, if you consider that the inputs need amending, please do forward comments as to what amendments are required and why. I can then forward any relevant issues to BNP Paribas and, if necessary, discussions can take place.

As you are aware, responses need to be received by Friday 30th March.

Best wishes

Jim

Jim Cliffe
Planning Obligations Project Manager
(0117) 903 6724
>>> Andrew Batchelor <andrew.batchelor@htc.uk.com> 28/03/12 6:13 PM >>>
Jim ,

I have had another quick look at and this comment as follows : Re1) This is not straight forward from a property valuation perspective .
Please could you ask BNP how they value the "existing use " of a Magistrates Court . Is it Sui Generis ? what evidence will they rely on ? Will they use the DRC method? How will they reflect the land element ?

I'm not saying you are right or wrong but this particular example and the Hotel/Student market are not main stream uses and I we need to understand if the core principle that you are relying on is relevant ...it would be simplest if you could instruct BNP to meet up with us .
Can this be done ??

2) I note that the Government are promoting and encouraging CIL . They are also promoting and encouraging regeneration and jobs . I don't see why both Objectives shouldn't be achieved .

look forward to meeting with BNP ,

regards

Andrew Batchelor BSc MRICS
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-----Original Message-----

From: Jim Cliffe [mailto:jim.cliffe@bristol.gov.uk]
Sent: 21 March 2012 17:24
To: Andrew Batchelor
Subject: RE: CIL ...ongoing representations

Hi there Andrew

Thanks for your email. I've been away for a long weekend so apologies for not getting back to you sooner.

The BNP Paribas CIL Viability Study will form the basis of the evidence that will be examined by the Planning Inspectorate. Therefore, as mentioned in my previous email, if there is evidence that suggests that the inputs in the BNP Paribas study need amending, please do not hesitate to forward it as I would be pleased to receive it (please note that the closing date for representations is Friday 30th March). I can then forward it to BNP Paribas, and discussions can take place if necessary. However, without evidence that suggests that the inputs into the BNP Paribas Study should be amended, there is little benefit in a meeting taking place.

In your point 10, you refer to convincing BNP Paribas of the "numbers".

The "numbers" (ie evidence that suggests the inputs into the viability study require amendment) are what should be forwarded to the Council as part of the consultation. I must emphasise that Residual Land Valuations are not based on land transactions but on existing use values plus a landowners premium for bringing land forward.

The evidence used to support the BNP Paribas work (land values, sales values, student rentals, office rentals etc) is provided by their Bristol office and is reflective of their knowledge of the Bristol property market.

Regarding the viability information you refer to in respect of the Magistrates Court, which was submitted to support the planning application for redevelopment of the site for student accommodation, hotel and retail uses. I have now had a good look at this and I can respond as follows:

1) The Magistrates Court Viability was not a Residual Land Valuation.

In this instance the purchase price of the site, (which was £1.975m) was used as the basis for the viability. However, this is not normal practice. The site is 0.23ha, which equates to a purchase price of £8.58m/ha. The existing use was a vacant magistrates court. A residual land valuation would ask what the existing use value of the site is and what a reasonable landowners premium is for bringing the site forward. We consider that an average of 20% is a reasonable landowners premium. As you know, I am not a property professional, but I would be surprised if the existing use value of 0.23ha of vacant magistrates court is anywhere near £1.5m. I think it may well be the case that in this instance the purchaser of the site paid a price significantly greater than existing use value plus a reasonable landowners premium, and this may be the reason for a lower profit and other viability issues.

2) I note that our CIL Viability study uses a higher yield and a significantly lower student accommodation rental value. In your viability information relating to demolition costs of the Magistrates Court, you state that "The costs and risks associated with the preparation of the site for development

are unusually high".

Therefore they will not be representative of average demolition costs, which are used in a broad brush area wide viability study such as the CIL Study.

I do accept your point that landowners may choose to mothball sites and not bring them forward until viability picks up. That is a choice for individual landowners based on their circumstances and their need to sell. I also accept that markets take time to adjust to changes.

However, that is not a reason for not implementing change, particularly when the change is being promoted and encouraged by central government.

I also accept that certain development types may pay more under CIL than they would have under the current planning obligations system, but that is because the CIL viability evidence (based on Residual Land Valuations) shows that they can afford to pay a higher rate.

I appreciate this may not be the response you wished to receive, but again emphasise that if you have evidence that suggests that the inputs used in the BNP Paribas CIL Study require amendment please do forward it to me.

Best wishes

Jim

Jim Cliffe
Planning Obligations Manager
(0117) 903 6724

>>> Andrew Batchelor <andrew.batchelor@htc.uk.com> 16/03/2012 11:59

>>>

Jim ,

Thanks for your comprehensive and helpful response . I think I understand the concept but remain extremely concerned on the practical impact . My thoughts/comments are :

- 1) The overall approach seems to be that the landowner will have to take the hit when CIL increases the S106/planning obligation costs . I appreciate your comments that the Inspector supports the principal and that he fully understands and expects that the price paid for land may reduce . I haven't read the report in detail but it seems that there is a presumption that the Landowners will be willing and able to accept a reduction in land value and that development will continue .
- 2) it is worth noting that landowners value has typically fallen by very large amounts in the past few years . Sites vary but say 50-75 % .
- 3) the practicalities are that landowners may simply mothball sites as they are not prepared to write off further value
- 4) in these cases CIL will directly result in loss of jobs and lack of regenerationboth absolutely fundamental in the worst development market in living memory .
- 5) If CIL is to come in why impose a rate NOW at a level that prejudices jobs and regeneration ? Set it at zero and review in 3 years . Increase it if the market will sustain it ??
- 6) The Hotel and Student markets account for the majority of development in Bristol at the moment and CIL will adversely affect it
- 7) CIL may delay redevelopment of the SPD8 Nelson street area for a very long time ...a Council target regeneration area
- 8) I note you point on specific data . One of the market examples I quoted was the Magistrates Court . The S106 was subject to a viability assessment with supporting appraisals . BNP provided some advice to the council ...The Council/BNP already have all the infoall the specifics you refer to .
- 9) I think it is essential that a meeting with BNP is arranged at the appropriate time . I know that GVA and Savills and JLL wish to attend and explain the Bristol market

10) i don't wish to come across as unduly negative and believe that CIL can have some real benefits in adding clarity and certainty , but just think that in the current market and at the current rates it could be really damaging for the Bristol economy . I'm sure this isn't the intention and appreciate that the active Bristol agents will need to convince BNP of the "numbers " if they are to change their advice to you .

If you can get us that meeting it would be much appreciated

regards

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-----Original Message-----

From: Jim Cliffe [mailto:jim.cliffe@bristol.gov.uk]
Sent: 08 March 2012 12:36
To: Andrew Batchelor
Subject: Re: CIL ...ongoing representations

Hi there Andrew

Apologies for the delay in getting back to you - I was out of the office yesterday.

During the consultation you forwarded information about a couple of specific sites where viability was an issue in respect of hotel and student accommodation. However, this does not mean that all student accommodation or hotel development is unviable. There are a number of schemes across the city that have been granted consent recently and/or developed recently, which were able to make full policy compliant planning obligations, and which were not subject to viability claims.

Insofar as the CIL Viability Study is concerned, you will recall that at the event on 10 January, I very clearly emphasised that the evidence I needed related to the inputs in the viability assessment, which in relation to hotel and student accommodation are set out in Appendix 3 of the Study.

The inputs include items such as:

- existing use values
- development costs
- yield
- landowners premium
- developers profit
- development value (annual rent for student accommodation) (capital value per room for hotels)

I did not receive any evidence related to these inputs as part of the previous consultation. However, if you have any evidence that suggests that our inputs need amending please do forward it. I can then seek a view from BNP Paribas and arrange for discussions to take place if necessary.

The above inputs are the key component parts of a Residual Land Valuation (RLV). Our CIL Study is a RLV Study based on Existing Use Values plus a landowners premium for bringing sites forward. It is not based on land transactions. The difficulty with using land transactions is that they are based on what a willing purchaser will pay for a site, and that does not necessarily reflect planning policy requirements.

There have been occasions where land has changed hands for prices that basically result in all the value being taken out of the land. The new owner then claims that the site cannot afford to comply with planning obligation policies. We consider that an RLV approach is more appropriate than a land transactions approach as it contains a rationale behind what a reasonable land value should be (i.e.

Existing Use Value plus a landowners premium for bringing the site forward) and gives a clear indication as to whether development should be viable, and what impact CIL would have on viability.

I attach, for your information, the Planning Inspectorate report into the London Mayors proposed CIL rates (these will be levied on top of the rates levied by the London Boroughs). The Mayors CIL will result in the largest amount of CIL income of all CIL's and has an impact on all London Boroughs. It is therefore highly significant.

The inspector accepted the Existing Use Value approach to viability as being an appropriate method of assessing viability (paragraphs 7 to 9).

Tellingly, the inspector also accepts the CIL could impact on schemes that are at the margins of viability (paragraph 27), and suggests that profit levels and (importantly) prices paid for land may be reduced (paragraphs 31 and 32). He actually states "Finally, the price paid for development land may be reduced. As with profit levels there may be cries that this is unrealistic, but a reduction in development land value is an inherent part of the CIL concept".

Basically, he is making the point that because CIL is a known non-negotiable sum, it needs to be factored into land prices, whereas because planning obligations are negotiable, they are not always factored into the price a purchaser pays for land.

I hope this email clarifies our approach and why we consider a RLV approach the appropriate way mechanism for undertaking the CIL viability study. If you have any evidence that suggests the inputs used by BNP Paribas need amending, please do forward it to mePlanning Obligations Manager (0117) 903 6724

>>> Andrew Batchelor <andrew.batchelor@htc.uk.com> 06/03/2012 14:05

>>>

Jim ,

Thank you for the update on the above . Regarding para 7 the 2 scenarios i referred to are specific market transactionsthere is no better evidence . The Councils Response that no evidence is provided to contradict inputs in the viability assessment is wrong .

As I said in my correspondence I (and a number of other active Bristol Agents) are happy to sit down with BNP to set out the market evidence .

Please could you arrange a meeting

many thanks

Andrew Batchelor BSc MRICS

Partner

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