

## CIL Statement of Modifications Response Form May/June 2017

For Official Use Only

Ref:  
Rep. Ref.

Please use this form if you wish to support or object to the Community Infrastructure Levy – Statement of Modifications. If you are commenting on multiple sections of the document you will need to complete a separate copy of Part B of this form for each representation. This form may be photocopied or, alternatively, extra forms can be obtained from the Council’s offices or places where the plan has been made available (see back page). You can also respond online using the LDP Consultation System, visit: [www.warwickdc.gov.uk/planning](http://www.warwickdc.gov.uk/planning)

### Part A - Personal Details

	1. Personal Details	2. Agent’s Details (if applicable)
Title		Mr
First Name		Peter
Last Name		Waldren
Job Title (where relevant)		Director
Organisation (where relevant)		WYG
Address Line 1		5 <sup>th</sup> Floor, Longcross Court
Address Line 2		47 Newport Road
Address Line 3		Cardiff
Address Line 4		
Postcode		CF24 0AD
Telephone number		02920 320 722
Email address		Peter.waldren@wyg.com
Would you like to be made aware of future updates on the CIL?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
About You: Gender		
Ethnic Origin		
Age	<input type="checkbox"/> Under 16 <input type="checkbox"/> 16 - 24	<input type="checkbox"/> 25 - 34 <input type="checkbox"/> 35 - 44
	<input type="checkbox"/> 45 - 54 <input type="checkbox"/> 55 - 64	<input type="checkbox"/> 65+
<b>Notifications</b>		
Please specify whether you wish to be notified of any of the following:		
1. Examiner’s Report	<input type="checkbox"/> Yes <input type="checkbox"/> No	2. Council approval of Charging Schedule <input type="checkbox"/> Yes <input type="checkbox"/> No

# Part B - Commenting on the CIL Statement of Modifications

If you are commenting on multiple sections of the document you will need to complete a separate sheet for each representation

Sheet  of

Which part of the document are you responding to?

Charging Schedule

Modification Number/ Subheading (if relevant)

Map (e.g. Residential CIL Charging Zones)

Yes

What is the nature of your representation?

Support

Object

Please set out full details of your objection or representation of support. If objecting, please set out what changes could be made to resolve your objection (Use a separate sheet if necessary).

## Statement of Modifications Draft Charging Schedule:

The element of the Draft Charging Schedule which deals with Retail is entirely unclear.

Our representations to the original Draft Charging Schedule (in March 2015) and subsequent representations to the Revised Draft Charging Schedule (February 2017) set out our concerns regarding what is meant by "Convenience based supermarkets, superstores and retail parks". The concerns raised have not been addressed in the Statement of Modifications and accordingly our representations remain (we rely on our earlier representations and do not re-state them here).

However, the Statement of Modifications Draft Charging Schedule adds further confusion.

The bold type heading "Retail Area" suggests that the three types of retail development listed below relate to specific geographic areas, otherwise why refer to retail "Area"? However, the 'amended zoning map' is titled "Residential Charging Zones" and makes no reference to retail at all. Accordingly, no retail zones are defined, making the Draft Charging Schedule impossible to interpret.

Even if "Convenience based supermarkets, superstores and retail parks" were a clearly defined type of development (a point which our previous representations address) the charge for which applies across the whole District, and the reference to "Retail Area" is in error in that respect, it must be the case that "Retail - prime Leamington" does relate to a geographic area; it is inconceivable that this could be referring to a development "type". Again, the 'amended zoning map' relates to residential development only and makes no reference to retail at all. We note that this point has been raised by the Inspector in correspondence PC1 and was not addressed in the Authority's response PC1A. It has been left to be addressed in the Authority's response to the Issues & Questions and discussed at the hearing session if necessary. We consider this to be wholly unsatisfactory and prejudicial to interested parties who will be forced to respond 'on the hoof' and, moreover, to be contrary to Regulation 16 which requires consultation.

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Modification Number/ Subheading (if relevant)

Map (e.g. Residential CIL Charging Zones)

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The combined result of the absence of a clear definition of "Convenience based supermarkets, superstores and retail parks" and the absence of a retail charging zone(s) result in very considerable uncertainty. Neither a prospective developer, nor an officer of the Charging Authority could, with any certainty, predict whether a given Class A1 development would result in a charge of £105, £65 or £0 per square metre. The implications for a development appraisal, and thus the potential effects of the imposition of CIL on the economic viability of development, are significant. More pertinently for the purposes of the Hearing, the Authority cannot be shown to have complied with Regulation 13 or 14(1)(b).

Separately, we also note that the 'amended zoning map' now shows five of the strategic housing sites. However, these sites are also cross hatched with their underlying residential zone hatching (for example, the Kings Hill site H43 is shown with red hatching but is also covered with yellow hatching as part of Zone D). It is not clear, therefore, whether a proposal (or phase of development) of less than 300 dwellings at Kings Hill would be charged at £55 or £195. The same type of development in the same geographic location could be argued to be subject to two different charges. As is the case with retail development, there is a significant lack of clarity regarding residential development and the charge which would apply.

Given these open questions regarding what charge, if any, would apply to retail development and what charge would apply to the largest strategic housing allocations in the District, we do not believe that the Charging Authority can possibly have accurately calculated the funding from CIL. Accordingly, it cannot have struck an appropriate balance between funding from CIL and the estimated total cost of infrastructure required to support the development of its area. Furthermore, it cannot have taken into account the potential effects of the imposition of CIL on the economic viability of development across its area. In short, Regulation 14 has not been complied with.

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If you are commenting on multiple sections of the document, you will need to complete a separate sheet for each representation

Sheet 3

of 3

### CIL Examination : Right to be Heard

Do you wish to be heard by the Examiner at the examination?

Yes  
v

No

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

It is considered that the evidence base is not sufficiently robust, that the proposed categories/geographical areas in the Statement of Modifications are ill defined. The Statement of Modifications is not deemed to be 'sound' and our client would like the opportunity to speak at the future Hearing in order to ensure these matters are fully explored and understood (indeed, the Programme Officer has confirmed our attendance at the 6<sup>th</sup> July Hearing session).

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## Guidance on Making Representations

- Please use this response form as it will help the Council to keep accurate and consistent records of all the comments on CIL or alternatively complete online at [www.warwickdc.gov.uk/planning](http://www.warwickdc.gov.uk/planning)
- If you wish to make comments on more than one aspect of the Plan, please use a separate copy of Part B of this form for each
- You may withdraw your objection at any time by writing to Warwick District Council, address below
- It is important that you include your name and address as anonymous forms cannot be accepted. If your address details change, please inform us in writing
- Copies of all the objections and supporting representations will be made available for others to see at the Council's offices at Riverside House and online via the Council's e-consultation system. Please note that all comments are in the public domain and the Council cannot accept confidential objections. The information will be held on a database and used to assist with the preparation of planning policy documents and with consideration of planning applications in accordance with the Data Protection Act 1998
- All forms should be received by 4.45pm on Friday 16<sup>th</sup> June 2017
- Please return this form to:  
Development Policy Manager,  
Development Services,  
Warwick District Council,  
Riverside House,  
Milverton Hill,  
Leamington Spa, CV32 5QH

Or

email: [newlocalplan@warwickdc.gov.uk](mailto:newlocalplan@warwickdc.gov.uk)

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