

# **EDDC CIL SCHEDULE: Examination**

Statement on Behalf of East Devon New Community  
partners

- 1 This statement is made on the behalf of the East Devon New Community partners and specifically by each of Hallam Land Management, Persimmon Homes and Taylor Wimpey (TW) in respect of their respective interests at Cranbrook.
- 2 Separate or additional representations may be made on an individual basis by each party.
- 3 The views of the partners should be given considerable weight given the importance of the delivery of Cranbrook to the achievement of the East Devon Local Plan strategy.
- 4 In accordance with the Statement of Representations Procedure, and guidance and invitation received from the Inspector via Ian Kemp, and in accordance with the Community Infrastructure Levy Regulations (Regulation 21), I request the right to be heard by the Inspector at an Examination in respect of the matters set out below, and related matters, concerning the proposed CIL Charging Schedule for East Devon:

Part One                                      The Proposed CIL Rates – ALL development at Cranbrook

Part Five:                                      Other Matters

### **Preliminary Matter – Infrastructure Funding Gap**

- a. What is the overall amount of Infrastructure Funding required to deliver the quantum of development identified within the various adopted and emerging planning policies for East Devon?
- b. What level of funding has been secured from s106 and the existing CIL regime in East Devon since it has been introduced?
- c. Can the Council provide a projection of the level of funding will be secured from the CIL (August 2019) and taking this into account what would be the overall Infrastructure Funding Gap in East Devon?
  1. EDNCp are acutely aware of the relationship between the CIL Charging Schedule and the Council's proposals within The Cranbrook Plan which is to be subject of a separate examination.
  2. As is evident from their representations on the Cranbrook DPD, EDNCp (TW, Persimmon and Hallam) have fundamental objections to the "CIL Review and Cranbrook DPD Viability Study" and the provisions of the Cranbrook DPD – in particular

---

its requirements in respect of infrastructure and section 106 obligations. Those representations have been made available in written representations on the Draft Charging Schedule.

3. In terms of a common denominator it is clear that there is a very substantial Infrastructure Gap in relation to Cranbrook and East Devon as a whole.
4. One element that needs to be considered in relation to the delivery of Cranbrook is the need to attract external funding to support infrastructure. The possibility that CIL funding (albeit that there are no CIL receipts generated from Cranbrook) is mooted in para 2.10 of the Draft Schedule: *"the figure will be higher if the Council decide to spend CIL receipts on delivery of Infrastructure at Cranbrook"*.
5. It is EDNCp's view that in the light of the Cranbrook DPD Examination discussion it may be necessary for CIL receipts to be spent in Cranbrook – and that the infrastructure list should allow for that possibility more explicitly. Consideration should be given to the prioritisation of infrastructure spend collected through CIL to support the Local Plan including Cranbrook DPD.
6. To assist this process EDNCp advocate to EDDC the preparation and publication of the first Annual Infrastructure Funding Statement (required under the new Regs) alongside the Charging Schedule. In this regard the most recent revision of the CIL Planning Practice Guidance is clear regarding the need for clarity: *"Charging authorities should work proactively with developers to ensure they are clear about the authorities' infrastructure needs and what developers will be expected to pay for through which route"*. (Paragraph: 095 Reference ID: 25-095-20190315).

### **Part One – All development at Cranbrook**

- a. Is the local levy rate of £0/sqm for All development at Cranbrook justified by appropriate available evidence, having regard to national guidance, local economic context and infrastructure needs, including in relation to the various adopted and emerging planning policies for East Devon?
  - b. Overall, does the All development at Cranbrook NIL rate strike an appropriate balance between helping to fund new infrastructure and the potential effects on economic viability (viability buffer)?
7. EDNCp note and support the zero CIL rate proposed for ALL development at Cranbrook.
  8. In respect of the zero residential rate EDNCp understand that this reflects EDDC's recognition of a substantial section 106 burden, described in the Cranbrook IDP and the Council's viability study. Indeed, the Council's DPD and Viability study relies upon

- a zero rate for Cranbrook. The Cranbrook DPD assumes and requires a zero residential rate.
9. The zero rate also appears to be supported by all those making representations on the Charging Schedule – including, developers, Town Council and County Council.
  10. Confirmation of a zero Cranbrook rate will be a necessary requirement, irrespective of the outcome of the examination into the Cranbrook Plan to give the best prospect of delivery of Cranbrook - upon which the District wide strategy and Local Plan relies. It represents an appropriate balance between helping to fund new infrastructure and the potential effects on economic viability (viability buffer) – notwithstanding the observations set out below.
  11. Suffice to say that EDNCp have set out cogent and detailed objections to the Cranbrook Plan and the viability evidence that supports it. The expectations placed on development at Cranbrook in the Cranbrook Plan – even with a zero residential rate – represent a quantum leap in the costs placed on the expansion of Cranbrook compared to the first phase of 3,500 dwellings. The affordability of that infrastructure and section 106 obligation is being considered in the context of the Cranbrook DPD and its viability, effectiveness and justification.
  12. In reality, if the potential section 106 contributions at Cranbrook (set out in the Cranbrook IDP/DPD) were to be fully taken into account then the resultant CIL rate would be heavily negative. Of course, it gets “capped” at £0. Therefore, in effect the zero rate provides no buffer (in this regard EDNCp note the inclusion of a 50% buffer in the viability assessments completed for the setting of CIL rates, yet the absence of similar buffers in relation to the Cranbrook DPD – because it is already a zero rate).
  13. In the light of the above, the burden placed on Cranbrook’s development provides all of the necessary justification for the adoption of a separate nil rate for Cranbrook – the provision being set out in the CIL Regs for variable charging zones so long as they are based on viability concerns. The viability issues at Cranbrook are so manifestly and massively different to the rest of the district that a separate geographical charging zone is not only justified but the only appropriate response.
  14. With regard to the geographical extent of £0 rate Residential CIL Charging zone at Cranbrook, EDNCp support the geographical boundaries for Cranbrook on page 19 of the Draft Schedule recognising at the same time that the outcome of the DPD

- 
- examination which will define the boundaries of Cranbrook, may necessitate some refinement.
15. EDNCp support the setting of a zero rate for all development at Cranbrook and hence also for retail development that takes place within Cranbrook. The boundaries of the zero retail rate at Cranbrook on page 32 of the schedule are supported.
  16. EDNCp are well aware of the commercial difficulties in delivering retail development at Cranbrook and can set these out in detail in the oral session of the CIL examination. In this regard the commercial realities have further deteriorated since the 2016 CIL Schedule when a zero retail rate in Cranbrook was also agreed. The difficulties of delivering retail development preclude any CIL charge for retail at Cranbrook.
  17. In this regard a minor clarification in footnote 4 of the Draft Schedule should be made. Footnote 4 seeks to define areas where a £84 retail rate – ie those outside of centres. It does so by two means – the areas shown on the charging zone maps. Those areas are correct.
  18. In addition, Footnote 4 refers also to “Town Shopping Areas as defined in the Local Plan and East Devon Villages Plan”. Neither of those plans, it is understood, refer to a Shopping zone at Cranbrook. Reference therefore should be made only to the charging schedule maps. This is a matter of clarification and avoiding any risk of unintended misinterpretation. The amendment to Footnote 4 should be as follows: *“Retail is defined as all uses that fall within Classes A1, A2, A3, A4 and A5 of the Town and Country Planning (Use Classes) Order 1987 as amended, or any other order altering, amending or varying that Order, and related sui generis uses. The retail rate applies to qualifying floor space outside ~~of Town Centre Shopping Areas as defined in the East Devon Local Plan 2013 to 2031 and East Devon Villages Plan, those £0 retail CIL zones as shown on the charging zone maps~~”.*

### **Part Five - Other Matters**

a. Where differential rates are set by zone, does the charging schedule adequately identify the location and boundaries of zones in accordance with (Regulation 12(2)(c) that requires this to be on an Ordnance Survey map which shows National Grid lines and reference numbers)?

19. With regard to the geographical extent of £0 rate Residential CIL Charging zone at Cranbrook, EDNCp support the geographical boundaries for Cranbrook on page 19 of the Draft Schedule.

20. The boundaries of the zero retail rate at Cranbrook on page 32 of the schedule are also supported subject to the observation on the text set out below.
21. In this regard a minor clarification in footnote 4 of the Draft Schedule should be made. Footnote 4 seeks to define areas where a £84 retail rate – ie those outside of centres. It does so by two means – the areas shown on the charging zone maps. Those areas are correct at Cranbrook.
22. In addition, Footnote 4 refers also to “Town Shopping Areas as defined in the Local Plan and East Devon Villages Plan”. Neither of those plans, it is understood, refer to a Shopping zone at Cranbrook. Reference therefore should be made only to the charging schedule maps. This is a matter of clarification and avoiding any risk of unintended misinterpretation. The amendment to Footnote 4 should be as follows:  
*“Retail is defined as all uses that fall within Classes A1, A2, A3, A4 and A5 of the Town and Country Planning (Use Classes) Order 1987 as amended, or any other order altering, amending or varying that Order, and related sui generis uses. The retail rate applies to qualifying floor space outside of ~~Town Centre Shopping Areas as defined in the East Devon Local Plan 2013 to 2031 and East Devon Villages Plan, those £0 retail CIL zones~~ as shown on the charging zone maps”.*