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Executive – appendices: community infrastructure levy

Monday 13 February 2012 at 7.00 pm

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Membership:

Lead Member Portfolio
Councillors:

John (Chair) Leader/Lead Member for Corporate Strategy and Policy

Co-ordination

Butt (Vice-Chair) Deputy Leader/Lead Member for Resources
Arnold Lead Member for Children and Families
Beswick Lead Member for Crime and Public Safety

Crane Lead Member for Regeneration and Major Projects

Jones Lead Member for Customers and Citizens

Long Lead Member for Housing

J Moher Lead Member for Highways and Transportation

R Moher Lead Member for Adults and Health

Powney Lead Member for Environment and Neighbourhoods

For further information contact: Anne Reid, Principal Democratic Services Officer 020 8937 1359, anne.reid@brent.gov.uk

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The press and public are welcome to attend this meeting



Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

Item Page

12 APPENDICES: Community Infrastructure Levy and Revised S106 1 - 152 Planning Obligations SPD

Government legislative changes mean the Community Infrastructure Levy will replace S106 Planning Obligations as the vehicle for funding the infrastructure that supports growth and development. Authorities will collect Community Infrastructure Levy contributions from developers to pay for the infrastructure needs created by development, with S106 Planning Obligations restricted in the main to site specific matters. This report details the results of the consultations on Brent's Preliminary Draft Community Infrastructure Levy Charging Schedule and the S106 Planning Obligations Supplementary Planning Document that closed at the end of last year. Approval is sought to publish, and submit for examination, a Draft Charging Schedule, as well as the adoption of the S106 Planning Obligations Supplementary Planning Document.

Ward Affected: Lead Member: Councillor Crane

All Wards Contact Officer: Jonathan Kay, Major Projects

Team

Tel: 020 8937 2348 jonathan.kay@brent.gov.uk

Date of the next meeting: Monday 12 March 2012



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- The meeting room is accessible by lift and seats will be provided for members of the public.
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- Catering facilities can be found on the first floor near The Paul Daisley Hall.
- A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

Comments

Preliminary Draft Charging Schedule (31/10/11 to 12/12/11)

Comment by Greater London Authority (Mr Andrew Barry-Purssell)

Comment ID PDCS14

Response Date 21/12/11 11:06

Consultation Point Preliminary Draft Charging Schedule (View)

Status Processed

Submission Type Letter

Version 0.9

Do you agree that the proposed rates of CIL, set out in the Preliminary Draft Charging Schedule, strike an appropriate balance between securing additional investment for infrastructure to support development and the potential economic effect of imposing CIL on development across the borough?

Which of the proposed CIL rates do you consider fail to provide an appropriate balance?

Please provide any comments that you have on the Preliminary Draft Charging Schedule in the box

I am writing with the comments of the Mayor of London on Brent?s Community Infrastructure Levy preliminary draft charging schedule. Thank you for allowing us a little more time to respond; this allowed us to reflect issues raised during the examination of the Mayor?s draft charging schedule. The Mayor welcomes the extent to which his CIL proposals have been taken into account by the Council in its own proposals. We are satisfied that on the basis of the evidence you have brought forward, the combined effect of the proposed Mayoral and Borough CILs will not have a significant effect on development viability within Brent. In particular, we note? and agree with? your consultants? conclusion that in most cases the impact of the CIL in Brent will not be a critical factor in determining whether a scheme is viable or not and that scheme values, costs and existing uses will be far more important. We note what your consultants have said about industrial development. As you may know, there was some discussion at the public examination of the Mayor?s draft charging schedule about the warehousing examples they give in their report, and we have looked at the issue further since. The appraisals provided by your consultants show a required yield for the prime well let investment at 9 per cent, whereas the secondary existing use is shown at 8%. For the best West London industrial development, we are advised that a 6% yield would be expected. For example, a 78,000 sq ft prime distribution unit at Park Royal was recently acquired by Ignis UK Property Fund to show a yield to the purchaser of 5.67%. The passing rent equated to 10.50 psf.. If a 6% yield and rent of 10 psf are used, we are advised that your consultants? appraisal would (other things being equal) show positive land value over existing use. At the examination, our consultants provided illustrations that changed both

the yield for the new development and for the existing premises, while also showing a higher rent and lower building costs. Unsurprisingly, these showed an even higher land value which our consultants suggest would more closely accord with comparable land (and rental) evidence. In practical terms, this tends to confirm the overall conclusion that the CIL is likely to be a marginal consideration in development viability across uses. We welcome what you say about continued engagement regarding the Community Infrastructure Levy, and I look forward to continued co-operation between our authorities.

Officer's Response

Officers welcome the GLA's support of the rates set out in the Council's Preliminary Draft Charging Schedule and the general observations regarding the impact of CIL on viability. In relation to the specific comments made regarding the impact of CIL on the viability of industrial development the Council's consultants note the following:

We note the suggestion in Mr Barry-Pursell's letter that alternative assumptions on industrial rents and yields would result in an outcome that would result in a viable level of CIL for industrial development. For new build development, an investment yield of 6% and rent of 10 is suggested. This is based on an investment sale of 78,000 sqm of B8 floorspace at Park Royal. While applying a rent of 10 per sq ft and adopting a yield of 6% would result in a positive land value above EUV, we would caution against relying upon this particular comparable. Rents for B8 floorspace are not fully reflective of the wider spread of rents incorporating B2 floorspace, where rents are lower (for example, 4,158 sqm of B2 floorspace at Cumberland Avenue was let in September 2010 for 8.73 per sq ft). The 6% yield is also not reflective of other investment sales in the area, including 38,000 sq ft at the Oxgate Centre, which attracted a yield of 10%.

Re-running our appraisal of industrial development with a new build rent of 9 per sq ft and a yield of 7% (which is more realistic as a whole-Borough assumption) would still generate a negative value when compared to the assumed existing use value of the site. Even if a rent of 10 per sq ft were achieved, the development would barely break even, leaving no scope at all for any level of CIL to be charged.

We would also point out that for our appraisal of the existing use value of the site, we assumed a rent of only 4 per sq ft, which is very low even for second hand space. Had we adopted a higher rent, reflecting recent lettings, then the viability of new build industrial would have been adversely affected.

Comment by Metropolitan Police Authority

Comment ID PDCS13

Response Date 19/12/11 16:40

Consultation Point Preliminary Draft Charging Schedule (View)

Status Processed

Submission Type Email

Version 0.9

Do you agree that the proposed rates of CIL, set out in the Preliminary Draft Charging Schedule, strike an appropriate balance between securing additional investment for infrastructure to support development and the potential economic effect of imposing CIL on development across the borough?

Not sure

Which of the proposed CIL rates do you consider fail to provide an appropriate balance?

Please provide any comments that you have on the Preliminary Draft Charging Schedule in the box below.

I am writing on behalf of our client, the Metropolitan Police Authority, in relation to the above. We are grateful for the extension to comment on this document until today, as confirmed by Ken Hullock earlier this week. Please see below and attached general infrastructure requirements that may be required in Brent. I have also attached a copy of the Estates Strategy for information.

Scheme Description

Need for scheme

Requirements of scheme

Estimated capital cost

Committed /ringfenced funding

Gap funding

Indicative Delivery phasing (1-5 / 5-10 / 10-15 years)

Lead delivery agency

Airwaves equipment

To mitigate impact of tall building proposals in close proximity to existing police buildings

Enhanced communication facilities

Analysed on a case by case basis. Up to 125k per scheme

None

Full

Subject to timing of respective applications

Met Police

Neighbourhood / transport Team Base / Front counters

To meet the requirements of the Estate Strategy:

- a) To meet the needs of increasing populations in regeneration areas
- b) to mitigate the impact of large scale mixed-use developments

Floorspace may be required within large development sites. Provision within publicly accessible locations including high street shop units or shared floorspace within other community uses.

Floorspace provision at peppercorn rent for a 25 year period - 35k p.a. or 875k per unit

Fit out - on a case by case basis

Airwaves mid-range repeater - 75k, and 30k p.a. maintenance and management

None

Full

Subject to timing of respective applications

Met Polic

Please let me know if you require any further information.

Officer's Response

Officers acknowledge that under the current proposal for CIL police stations, being a sui generis use, would be liable to pay a CIL at a rate of 200 per m . Officers acknowledge that in viability terms this could prevent these essential uses from coming forward and therefore it is proposed that police stations are included under the zero charging rate for CIL.

The infrastructure demands of the borough are such that projects will need to be prioritised I n terms of receiving CIL funding. As such, it is unlikely that CIL would be available to fund those projects listed in table included within the representation.

Comment by Dron & Wright Property Consultants (Mel

Barlow-Graham)

Comment ID PDCS11

Response Date 15/12/11 13:14

Consultation Point Preliminary Draft Charging Schedule (<u>View</u>)

Status Processed

Submission Type Letter

Version 0.9

Do you agree that the proposed rates of CIL, set out in the Preliminary Draft Charging Schedule, strike an appropriate balance between securing additional investment for infrastructure to support development and the potential economic effect of imposing CIL on development across the borough?

Which of the proposed CIL rates do you consider fail to provide an appropriate balance?

Residential/Hotel (200 per m)

Please provide any comments that you have on the Preliminary Draft Charging Schedule in the box below.

We write in order to make comment on the above named document. Please note that we act on behalf of the London Fire And Emergency Planning Authority (LFEPA) and that this representation is made on their behalf. For your information the following LFEPA sites are within the borough:-? Park Royal Fire Station - Waxlow Road, NW10 7NU.? Wembley Fire Station - 591A Harrow Road, HA0 2EG.? Willesden Fire Station - .59A Pound Lane, NW10 2HH. We note that 'all Sui Generis uses except Student Accommodation' within which category a new fire station would fall, carry a levy of 200 per square metre across the borough. As fire stations are a vital community safety facility we believe that they should be excluded from payment of this levy. Similarly, the nil charge should be extended to include any residential or retail development within a mixed use scheme, which is providing a new fire

station facility. The reasoning behind this is that fire stations are community safety facilities, which are included within the wider definition of 'infrastructure' under the Planning Act 2008. Therefore, any new development including the provision of a new fire station, will already be making a substantial contribution to the CIL. Further, CIL payments will effectively result in double counting, impacting on the viability of a scheme which proposes a new fire station within it's development. Please also note that LFEPA do not receive any Section 106 contributions, despite having requested them via planning framework representations in the past. We trust that the above is clear and look forward to receiving future correspondence from you relating to the matter. In the meantime, please do not hesitate to contact me should you require any further information, or further clarification of the point raised above.

Officer's Response

It is accepted that fire stations should be considered within the wider definition of infrastructure and that to charge CIL on floorspace within new fire stations could have a detrimental affect on the viability of such uses. As such, in the Draft Charging Schedule Officers will propose that fire stations be placed within the zero rate charging category. However, it is not considered practical to exempt new residential or retail floorspace from the payment of CIL on the basis that it is being provided as part of a mixed use development that includes a fire station.

Comment by Development Securities PLC (Laurence Martin)

Comment ID PDCS10

Response Date 14/12/11 10:00

Consultation Point Preliminary Draft Charging Schedule (View)

Nο

Status Processed

Submission Type Letter

Version 0.7

Do you agree that the proposed rates of CIL, set out in the Preliminary Draft Charging Schedule, strike an appropriate balance between securing additional investment for infrastructure to support development and the potential economic effect of imposing CIL on development across the borough?

Which of the proposed CIL rates do you consider fail to provide an appropriate balance?

Student Accommodation (300 per m)

Residential/Hotel (200 per m)

Retail/Food and Drink (80 per m)

Office (40 per m)

Assembly and Leisure (5 per m)

Please provide any comments that you have on the Preliminary Draft Charging Schedule in the box below.

Development Securities welcomes the opportunity to comment on the CIL and S106 consultations. We are concerned about how these changes are implemented and the effect they will have on the delivery of Brent's targets for new homes. The overriding concern relates to viability, both in the detail of how this has been calculated, and the broad application of the rates. Overall approach to viability The level of CIL is being set at a time of considerable economic uncertainty, with a significant risk of a further recession. This would affect development values, and given the inflexible nature of the CIL

charge once set, many more schemes could become unviable as a result. This would jeopardise delivery of the Core Strategy housing targets. The sensitivity analysis undertaken in the CIL viability assessment does not take this into account, and only models ~ up-side " risks of higher growth in property values. To be a fair and reasonable assessment of viability it needs to also look at the very real ~ down-side n risks to development value from the current (and future) economic situation. Infrastructure Needs This overestimates the demand for infrastructure arising from new development in two important respects. Firstly, in some cases (particularly for sports infrastructure) it expects provision for new development to exceed the level currently provided by the Council for the existing community. This is not justified. Secondly, it overestimates the degree to which new housing leads to an increase in the population. The population in Brent (and London more widely), is increasing irrespective of house-building, and new homes to some extent simply relieve pressure on the existing housing stock. Evidence such as the "net population gain" calculations by the Healthy Urban Development Unit confirm that a significant proportion of residents taking up new housing were already living locally, even after allowing for the net effects of their previous homes being "backfilled" by other households. Much of the infrastructure needs identified in the Investment Framework therefore are a result of general growth in the borough's population, not as a result of house building. Application of CIL and 8106 The interaction of CIL and S106 will be complex and needs to be managed carefully to avoid damaging both viability and delivery of infrastructure. Concerns include: ? Paragraph 4.3 of the IIF needs to be brought into line with the CIL regulations to recognise that land for infrastructure can be accepted in lieu of payment of CIL. ? The S106 SPD should make clear how developers will be given certainty over the delivery of infrastructure that is necessary for their development, and which is paid for by the development (through CIL), but implemented by the Councillor others. ? The phasing of CIL payments will be determined by the Council and will have implications for viability of development. This is not set out in the charging schedule and must be properly consulted on. We would welcome the opportunity to discuss these issues further, and urge the Council to revisit the detail and application of these draft policies to reduce the risk of introducing an inflexible charge that renders the Core Strategy targets unviable.

Officer's Response

In response to correspondence dated 14 th December 2011 from Development Securities on the Brent Preliminary Draft Charging Schedule and Revised S106 Planning Obligation SPD consultations, we make the following remarks, which address the comments made in the correspondence from Development Securities in turn, and under the broad headings therein.

Overall Approach to Viability

The CIL Regulations state that in setting rates (including differential rates) in a charging schedule, a charging authority must aim to strike *what appears to the charging authority* to be an appropriate balance between -

- (a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and
- (b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.

The Council commissioned BNP Paribas Real Estate to undertake a strategic CIL Viability Study to form part of an evidence base to inform Brent's CIL Draft Charging Schedule. The BNP Paribas Real Estate study tests the ability of developments across the borough to yield contributions to infrastructure requirements through CIL. The study uses a standard development valuation methodology that compares residual land values of a range of developments to the sites' current use values, plus a margin to incentivise landowners to release sites for development. The value of potential development schemes is estimated, cost, financing, fees, CIL and profit deducted, and due regard given to policy requirements that residential development contribute towards affordable housing provision. If a development incorporating a given level of CIL generates a higher value than the current use value, plus an appropriate landowner's margin, then it can be judged that the proposed level of CIL will be viable.

The report tests a series of development scenarios and in the main the imposition of CIL is not considered a critical factor in determining whether a scheme is viable or not, with the relationship between scheme value, costs and existing use value considered far more important. The diagram below illustrates, proportionally, the constituent parts that make up the development scheme values and costs that inform development viability.

The study concludes by setting out ranges of CIL levels that different types of development schemes should be able to absorb and recommendations as to appropriate CIL levels for those different types of development schemes, with a margin or buffer between the proposed rates and the maximum rates that the study indicates are viable in the majority of development schemes.

Development Securities raise concerns regarding the current economic climate and in particular development values. The Council is aware that the economy is currently going through a difficult time and, more generally, that the pattern of economic circumstances will change over time and with market cycles. As noted, the BNP Paribas Real Estate Viability Study considers that in the main the imposition of CIL is not considered a critical factor in determining whether a development scheme is viable or not, with the relationship between scheme value, costs and existing use value considered far more important.

On the specific point of house prices and values, the fundamental problem of the UK housing market failing to provide enough new homes to meet the needs of our growing population remains. The top industry experts all continue to forecast medium term growth in London house prices. Savills forecast growth of 19.1% in the London mainstream markets between 2012 and 2016 (Savills Residential Research, November 2011). Knight Frank forecast growth of 9.3% in the London market for the same period, 2012 to 2016 (Knight Frank Residential Research, Q4 2011). Cluttons forecast that house prices in Greater London will increase by an average of 5% per annum over the next 5years (Cluttons Residential Property Forecasts, October 2011).

Notwithstanding that, the BNP Paribas Real Estate Viability Study sets out a range of CIL levels that the majority of different types of development schemes should be able to absorb and, following BNP Real Estate's recommendations, the Council has specifically allowed a margin or buffer of at least 20% versus the maximum CIL levels that the majority of different types of development schemes should be able to absorb to allow for movements in economic variables.

Infrastructure Needs

The Council's Infrastructure & Investment Framework (I&IF) was adopted in May 2009 and the Council undertook a detailed review of the I&IF in October 2011. The I&IF sets out the foreseeable infrastructure requirements that will arise from anticipated new housing and commercial development that will be needed to create sustainable development and sustainable communities. The Framework does not claim to be exhaustive but does set out the broad priorities for the growth and regeneration areas identified in the adopted Local Development Framework Core Strategy.

Development Securities assert that demand for infrastructure is overestimated in the I&IF and make two specific arguments.

On the matter of the standards of the I&IF infrastructure requirements, one needs first consider that standards of infrastructure provision have changed over time, in the main progressing and improving to meet the increased expectations of the general public. As such it should come as little surprise that new infrastructure such as sports facilities will generally be of a higher standard than older existing facilities. Most of the standards that inform the I&IF infrastructure requirements cost estimates follow current national and regional standards. Furthermore, if one looks at the amount and density of development planned under the LDF CS growth strategy, one can see that the Council has taken a flexible approach to infrastructure such that the qualitative nature of infrastructure provision is in some cases used to compensate for an actual shortfall against adopted quantitative standards. For example, the planned increase in the population of Wembley will suffer from a shortage of locally accessible grass football pitches, however an attempt has been made to compensate for this shortage through an infrastructure requirement for new synthetic football pitches that can be more intensively used.

With respect to population growth, the adopted LDF CS plans for the development of 11,200 homes between 2007/08 and 2016/17. On the basis of the London Plan average household size of 2.34 falling to 2.19 over the plan period (para. 3.16, London Plan, July 2011) this yields a range of between 24,500 and 26,000 people. Brent has a higher average household size, which ONS projects will be 2.526 by 2016. (2008 based household projections, CLG, November 2010). Applying this to planned development

of 11,200 homes yields an estimated population of 28,000 people by 2017. The adopted LDF CS Core Policy 2 on Population and Housing Growth therefore refers to a growth strategy that plans for over 11,200 homes from 2007/08 to 2016/17 and population growth of between 25,000 and 28,000 people by 2017. For the purposes of the I&IF, the more conservative Wandsworth model has been used to predict population growth in order to set a baseline that few would object to, with an average household size of 1.92 yielding a population growth of 21,500 people. In terms of the effect these ranges of population prediction have on the IIF, there will be limiting factors, for example with education infrastructure, where the I&IF requirements are driven by child population calculations.

We do not accept that growth in the borough's existing population significantly undermines the infrastructure investment requirements needed to support the population growth created by new development.

Application of CIL and S106

The Planning Act 2008 and CIL Regulations 2010 set a new framework within which infrastructure will be secured through the planning system and in particular the movement away from the use of S106 Planning Obligations and towards the Community Infrastructure Levy.

The CIL Regulations that came into force in April 2010, and subsequent amendments made in April 2011, demonstrate that CIL remains Government's preferred vehicle for the collection of pooled development contributions to fund infrastructure. The CIL Regulations limit the use of S106 Planning Obligations such that a planning obligation may now only constitute a reason for granting planning permission for the development if the obligation is:

(a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development

On local adoption of the levy, or nationally after a transitional period of four years, that is 6 th April 2014, CIL Regulations will also restrict the local use of S106 planning obligations for pooled contributions towards items that may be funded via the levy. Pooled contributions may then only be sought from up to five separate planning obligations for an item of infrastructure that is not locally intended to be funded by the levy. The limit of five applies as well to types of general infrastructure contributions, such as education and transport.

The Council understand that care must be taken to ensure the Council's planning approach to the use of CIL and S106 to support development is consistent, balanced and deliverable and proposes to introduce a local CIL to ensure the continued delivery of the infrastructure required for sustainable growth in the borough, and to concurrently revise existing s106 arrangements, to that effect. The Council is also currently undertaking a full audit of the position on triggered and untriggered S106 Planning Obligations to determine how funding can and could be allocated against the I&IF, as well as any implications for the list of infrastructure projects or types of infrastructure that the Council intends will be, or may be, wholly or partly funded by CIL, and subject to CIL Regulation 123, which will be agreed and published following the adoption of the proposed Brent CIL Charging Schedule.

Development Securities raise three specific concerns.

The Council understand that under the CIL Regulations a charging authority may accept one or more land payments in satisfaction of the whole or part of the CIL due in respect of a chargeable development, however if such an in kind land payment forms part of a wider development, the value of that in kind land payment will be derived with consideration to the value of the wider development. The I&IF details the capital costs of the infrastructure required to support the LDF CS growth strategy but does not include land costs unless they are outside of the development. Given the difficultly of determining exactly where and in what form all identified infrastructure requirements will come forward, the I&IF does not speculate as to the value of land for infrastructure that may form part of wider development, albeit when such costs are determined in actuality, as infrastructure delivery comes forward, one will see that the total cost of delivering the I&IF infrastructure requirements will increase and the funding gap widen. As such there is no tension between the acknowledgement of the principle that one or more land payments can satisfy the whole or part of the CIL due in respect of a chargeable development, and the exclusion of difficult to determine land values from the I&IF, and no need to amend the wording of para, 4.3 of the I&IF.

The Council has a track record of securing cash contributions for infrastructure under S106 Agreements, and then delivering that infrastructure. For example, one can point to the Council's successful school expansion programme, or public highways and transport projects. The move to funding infrastructure

through CIL rather than S106 Planning Obligations will only provide the Council with greater freedom and flexibility to deliver infrastructure. In particular, the move to funding infrastructure through CIL will enhance the Council's ability to pool developer contributions to deliver larger infrastructure projects. The Council will agree and publish the list of infrastructure projects or types of infrastructure that the Council intends will be, or may be, wholly or partly funded by CIL, and subject to CIL Regulation 123, following the adoption of the proposed Brent CIL Charging Schedule. The Council, in accordance with CIL Regulation 62, will also report on the amount of CIL collected and spent each financial year.

The Council is aware of the amendments to the CIL Regulations that allow charging authorities to set their policies on the phasing of CIL payments and intends to introduce such a policy. The Council appreciates that, for a majority of developers, the timing of the payment of CIL will be more important than the actual level at which CIL is levied. This is not a matter that the Council is required to determine as part of the consultation on the charging schedule and will consult further with the development community in due course. In any case, attention is drawn to the amendments to CIL Regulation 70 which detail the circumstances in which CIL is payable in accordance with any Mayoral instalment policy where London boroughs do not issue an instalment policy.

We invite and welcome comment from developers on our efforts to strike an appropriate balance in setting CIL rates in a charging schedule and are happy to continue our dialogue with Development Securities. We are particularly keen to know what developers think would be appropriate CIL rates to charge in Brent and would be grateful to hear your views.

Yes

Comment by Environment Agency (Miss Eleri Randall)

Comment ID PDCS9

Response Date 13/12/11 09:26

Consultation Point Preliminary Draft Charging Schedule (View)

Status Processed

Submission Type Letter

Version 0.7

Do you agree that the proposed rates of CIL, set out in the Preliminary Draft Charging Schedule, strike an appropriate balance between securing additional investment for infrastructure to support development and the potential economic effect of imposing CIL on development across the borough?

Which of the proposed CIL rates do you consider fail to provide an appropriate balance?

Please provide any comments that you have on the Preliminary Draft Charging Schedule in the box below.

Infrastructure and Investment Schedule We are pleased to note that in table 3 under Open Space and Public Realm Wembley the following Infrastructure Items have been identified: ? Wealdstone Brook Park ? Nature Conservation area - Wembley Link ? River Brent Phase 2 flood defence/ open space improvement We would be very supportive of the Tokynton Park phase 2 project - and are therefore supportive of CIL contributions going towards this. Further projects that CIL could contribute towards are also found on the London Rivers Action Plan: http://www.therrc.co.uk/Irap_zoom.php?c=3 We have identified additional infrastructure required to alleviate flood risk and contribute to green infrastructure in Brent. We consider that new development within the borough should be required to contribute towards these. Brent has areas of land within Flood Zone 2 and 3. In 2008 under the National

Flood Risk Assessment it was estimated that Brent had approximately 2,500 properties at risk of flooding. This equates to 2% of all properties, the majority of which are residential. Of the properties in the Borough identified to be at risk from flooding 17% are classified to have a significant likelihood of flooding, just under half are in areas with a moderate likelihood of flooding and 36% have a low likelihood of flooding. With the increased development pressure in the housing growth areas identified in Brent, it is important to reduce flood risk and improve the standard of protection. There could be scope for contributions to funds to provide resistance and resilience measures to existing property within the floodplain. There have been changes to the funding mechanism for flood and coastal defence projects. On 23 May 2011 Defra announced changes to the way funding will be allocated to flood and coastal defence projects. See the link below for more details:

http://www.defra.gov.uk/environment/flooding/funding-outcomes-insurance/ The implication is that more funding for flood risk infrastructure will be expected to be provided locally as the traditional form of Grant in Aid is being reduced. Instead of meeting the full costs of just a limited number of projects, the new approach could make Government money available towards any worthwhile scheme over time. Funding levels for each scheme will relate directly to the number of households protected, the damaged being prevented, plus other benefits a scheme would deliver. For the first time grants for surface water management and property-level protection will be available alongside funding for other risks and approaches. The CIL contributions could be used for both Environment Agency schemes or for resolving surface water flooding. This is particularly relevant in Brent due to the heavily engineered waterbodies which require maintenance. The Silk Stream, Weladstone Brook, River Brent, Dollis Brook and Wembley Brook all require heavy in channel maintenance in the future. There are a number of control structures, trash screens and labyrinth weirs with also need maintenance/ refurbishment. This is necessary to manage flood risk and protect properties. The River Brent and the Wembley Brook in particular will in the next 10-20 years require heavy in channel maintenance costing in the region of 5 million. CIL contributions will be essential towards refurbishment and reconstruction of flood defences protecting new development. We recommend that you ensure that any recommendations made within your Surface Water Management Plan (Final) are brought forward into the Community Infrastructure Levy. This may include developer contributions towards retrofitting sustainable drainage systems to existing development sites in areas where surface water drainage problems have been identified. We recommend that Hash Patel who is the lead drainage engineer for London Borough of Brent should be consulted on this. CIL can help contribute to green infrastructure requirements and will also help to meet the Water Framework Directive which requires that waterbodies (surface waters and groundwater) are to achieve good ecological status or potential by 2015 or the later period of 2027. In the UK we have produced River Basin Management Plans which contain the current status of waterbodies in each regional area, and include the actions required to achieve good status. Details of the waterbody status, reasons for failure, and mitigation measures required to reach good ecological status are available in Annex B of the Thames River Basin Management Plan (RBMP). The River Brent (WFD ID GB106039023590) is currently classified as poor and described as heavily modified due to urbanisation. The Wealdstone Brook (WFD ID GB106039022940) is currently classified as moderate also heavily modified due to urbanisation. Three key mitigation measures relevant for these rivers within the RBMP are listed below: ? Any opportunities to naturalise the river - from basic enhancement to full restoration techniques such as removal of concrete structures, return to natural bed and banks should be taken whenever possible and encouraged through new development. Projects both upstream and downstream demonstrate locally what can be achieved. ? The control and eradication of problem non-native species (Japanese Knotweed, Giant Hogweed etc) which are problematic within the Brent River corridor. ? Measures to capture/contain contaminants that could pollute the river systems through surface water drainage/missed connections leading to improvements in water quality. We would see it as essential that CIL contributions go towards meeting these mitigation measures. In addition to the environmental benefits and meeting the Water Framework Directive, residents within new development areas will also benefit from an improved environment. Non-native invasive plant species are a significant problem along the river corridors and the eradication of this should be recognised as a borough-wide issue and added to table 3. CIL contributions should go towards funding the control and management of problem non native plant species such as Giant Hogweed and Japanese Knotweed. We gave 1,500 to stem inject Japanese Knotweed in the Welsh Harp this year. A larger project could cost between 5000 - 50000. The Brent Catchment Partnership of which the London Borough of Brent is a member has this as a listed desired outcome through working in partnership with other stakeholders throughout the Brent river corridor. Clearing up of misconnections should also be an infrastructure investment that CIL contributions should go towards. Investigating the outfalls polluting the River Brent would improve water quality. The study below has identified the cost of mitigating flood risk in the Wealdstone Brook

catchment of North Brent and Harrow and includes the clearing up of misconnections: http://archive.defra.gov.uk/environment/flooding/documents/manage/surfacewater /nbrenta.pdf We are keen to work with you closely on infrastructure projects and environmental improvement schemes which will benefit development of the area in order to take best advantage of all funding opportunities. I would be happy to discuss the above in person at a meeting if you would find it beneficial to expand on any of the points raised.

Officer's Response

Officers would like to highlight that the Infrastructure & Investment Framework is intended to set out the general infrastructure likely to be required to support the development of the Council's growth areas as identified in the Core Strategy. Although the IIF is being used as evidence to support the Council's proposals to introduce CIL it is not intended as an exhaustive list of infrastructure projects that will be funded by CIL. In due course the Council intend to produce a list under CIL Regulations 123 which will set out the infrastructure that will be funded through CIL.

Comment by NHS London Healthy Development Unit (Mr Malcolm

Souch)

Comment ID PDCS8

Response Date 12/12/11 17:03

Consultation Point Preliminary Draft Charging Schedule (View)

Status Processed

Submission Type Email

Version 0.7

Do you agree that the proposed rates of CIL, set out in the Preliminary Draft Charging Schedule, strike an appropriate balance between securing additional investment for infrastructure to support development and the potential economic effect of imposing CIL on development across the borough?

Which of the proposed CIL rates do you consider fail to provide an appropriate balance?

Please provide any comments that you have on the Preliminary Draft Charging Schedule in the box below.

Thank you for the opportunity to comment on the draft charging schedule. We support the zero charge for health (Use Class D1) uses. This is consistent with the approach taken for the Mayoral CIL. The Infrastructure and Investment Framework (IIF) includes a comprehensive assessment of primary healthcare requirements based on discussions with the PCT. Typically, PCT strategies have a timeframe of 5 years which makes identifying longer-term requirements up to 2026 difficult. In addition under the NHS reforms commissioning and estate strategies are subject to review in line with the national NHS Quality, Innovation, Productivity and Prevention (QIPP) programme. Therefore, the IIF should be regularly monitored and reviewed. It is noted that the IIF only includes infrastructure requirements and costs for the borough's growth and regeneration areas. There could be cumulative infrastructure impacts and requirements outside of these areas. The proposed CIL is borough-wide and doesn't differentiate between growth and ?non growth' areas. The IIF only includes primary healthcare (GP)

requirements and doesn't address secondary healthcare requirements, including acute and mental healthcare. As such, the framework may underestimate total health infrastructure requirements. It is suggested that the HUDU model is used to compare total healthcare requirements generated by the London Plan annual housing target. It would be helpful to separate out the infrastructure requirements and costs to be met by \$106 and those to be met by CIL. For example, in Wembley it is unclear whether the estimated cost of 5.38m is entirely from \$106. Only the capital costs of provision are included in the IIF. It should be noted that housing and population growth will generate significant revenue costs and that there is a time-lag before the new population is captured in PCT allocations. In particular, rapid increases in population in growth areas where there is little or no spare healthcare capacity will have significant financial implications for the PCTs and future clinical commissioning groups. The draft charging schedule should set out the circumstances where contributions towards revenue costs would be considered, in addition to some bus transport proposals, in line with the Localism Act. It is assumed that an updated IIF will also help prioritise infrastructure requirements towards which CIL revenues could be allocated. This could be clarified. I hope that these comments are helpful.

Officer's Response

Officers acknowledge that the Infrastructure & Investment Framework is only intended to set out the general infrastructure likely to be required to support the development of the Council's growth areas as identified in the Core Strategy. Although the IIF is being used as evidence to support the Council's proposals to introduce CIL it is not intended as an exhaustive list of infrastructure projects, or revenue costs, that will be funded by CIL. In due course the Council intend to produce a list under CIL Regulations 123 which will set out the infrastructure that will be funded through CIL.

Comment by Quintain Estates & Developments PLC (Ms Anne

Clements)

Comment ID PDCS6

Response Date 12/12/11 16:56

Consultation Point Preliminary Draft Charging Schedule (<u>View</u>)

Status Processed

Submission Type Letter

Version 0.7

Do you agree that the proposed rates of CIL, set out in the Preliminary Draft Charging Schedule, strike an appropriate balance between securing additional investment for infrastructure to support development and the potential economic effect of imposing CIL on development across the borough?

Not sure

Which of the proposed CIL rates do you consider fail to provide an appropriate balance?

Please provide any comments that you have on the Preliminary Draft Charging Schedule in the box below.

As you know Quintain Estates and Development Plc ("QED") is a major landowner and developer within the London Borough of Brent, and controls some 35 hectares surrounding the National Stadium

at Wembley. It has planning consent for the Stage 1 and North West Lands schemes which, between them, provide for over 5,000 new homes, commercial, retail, leisure, community and hotel uses together with the refurbished Wembley Arena. Since securing outline planning permission on the Stage 1 Lands in 2004, QED has reorientated and refurbished the Grade II listed Wembley Arena and provided a significant new area of open space, Arena Square, at the eastern end of the Arena. In addition, it has provided 520 new homes in two mixed use buildings where 285 units are affordable. Construction is now substantially completed on a mixed use building which provides a 361room 4* Hilton hotel together with 660 student bedrooms alongside retail space which forms a substantial element of the London Designer Outlet. The core of the Outlet Centre together with a 9-screen cinema is now also under construction and scheduled for completion in October 2013. Together these elements will form the hub of the Stage 1 Development Area surrounding the Stadium. The delivery of the Stage 1 Lands has continued in spite of the poor economic circumstances currently prevailing. On this basis it is proven that QED have a track record of delivery and understanding viability and thus the views expressed in this letter should be given significant weight. QED wish to continue to work with the Borough to deliver development in Wembley and to work positively and constructively to that end. The comments in this letter are made in this spirit. The wider Wembley Growth Area is a strategically significant location, identified as an Opportunity Area in the London Plan and in the Council's Core Strategy as containing more than half of the Borough's total housing capacity (11,500 of 22,000 homes). QED therefore shares with Brent Council a common interest in ensuring that there is sufficient infrastructure in the Borough to support development and to date has Section 106 commitments in excess of 40 million to support that, together with affordable housing obligations. We have also engaged closely with Council during the development of the Infrastructure Investment Framework and made formal representations on the matter to the Examination in Public on the Core Strategy. We welcome the fact that Brent Council has sought to rise to the challenge set out in PPS12 to become an "orchestrator" of infrastructure provision. The move towards the introduction of a Community Infrastructure Levy offers opportunities to develop this role further to support the development of the area. However we are also very concerned that the introduction of a new mechanism in the current economic conditions carries significant risks which are exacerbated by the inflexibility of the CIL mechanism after it is adopted to respond to changes in the property market, or the viability of particular schemes or sites. We have three broad sets of comments. Firstly we have general comments relating to the approach to CIL and developing the charging schedule. Secondly we have a number of specific points relating to the revised Infrastructure Investment Framework, and the Viability Assessment. Thirdly we have some wider comments on the practical approach to delivering infrastructure for Wembley which relate both to the proposed draft SPD on Planning Obligations and to broader issues. Key Tests for CIL The tests set out in the CIL Regulations (2010) which will be applied by the Inspector of the Charging Schedule are whether it strikes the right balance between: (a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and (b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area. These set the context for our comments below. General Approach The introduction of CIL has come at a difficult stage in the economic and property market cycles. First conceived in a property boom, CIL is now being taken forward in the context of historically low development, particularly of new homes. Paragraphs 2.4 to 2.10 of the CIL Viability Assessment produced by BNP Paribas for the Council set out a development context in which a "re-adjustment" had taken place but consumer confidence was picking up. It suggests (para 2.9) that in the medium term house prices are likely to increase and this has been carried forward into the sensitivity testing of development viability later in the document. Since that part of the report was published economic projections have been significantly downgraded to the extent that the most recent version of the Bank of England "fan chart" at para 2.5 shows a halving of the central forecast with growth of under 0.5% in the current quarter. The recent assessment by the Institute of Fiscal Studies of the Autumn Statement suggests that real household incomes in the UK will fall over the next three years. Given the long term relationship of property values with economic growth and of house prices with real household incomes, there is therefore a significant downside risk to the values identified in the report and the viability study should test the impacts of reductions as well as increases in values, as was done for the independent appraisal of our North West Lands scheme (see below). Given the lack of flexibility available to the Council after they have adopted a CIL charging schedule we would, leaving aside our detailed comments below, urge the Council to be extremely cautious in setting its charging levels given current economic circumstances. It should be noted in this context that the Ministerial Statement, Planning for Growth, states that: "To further ensure that development can go ahead, all local authorities should reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms." In addition, the Government is proposing to consult in the new year on changing the rules on how planning obligations can be re-negotiated to support development. It would seem perverse in this context to be introducing additional requirements over and above existing Section 106 obligations without proper consideration for their impact on development. Finally, under General Approach, we are concerned by the comment in the Preliminary Draft Charging Schedule that "CIL is applied to any development resulting in a net increase of more than 100 sq m of floorspace or where one or more dwellings are created by the development". There is of course no CIL charge for residential floorspace created by changes of use and thus the wording of the Brent Charging Schedule is misleading. We consider that it needs to be amended. The Infrastructure Investment Framework The revised Draft of the Infrastructure Investment Framework provides the evidence base for infrastructure needs which the Council suggests would arise from proposed development. QED has reviewed and commented on previous drafts of the document, including at the Examination in Public into Brent's Core Strategy. At that time we felt that the document was broadly fit for purpose at that stage in the Council's infrastructure planning. However, there does not appear to have been any significant work undertaken since previous drafts and we do not therefore feel it is adequate to identify the infrastructure requirements or demonstrate the funding gap required for CIL. This is for the following reasons: As we have stated previously the document assumes that residents of new developments are "net additional" to the Borough and do not form part of the background growth of the population. In fact LB Brent's population has increased significantly ahead of housing development in recent years, due to wider demographic trends including increasing birth rates, and will increase regardless of housing growth. New homes, particularly affordable ones, will mean that the increased number of residents in the Borough will live in less overcrowded conditions than would otherwise be the case, not that all residents will be additional. The IIF should reflect this; The IIF in some cases applies higher standards to new development than the Council does for its existing services. This may have been appropriate at a time of high public expenditure when the Council was investing to drive up its own standards, but in the current situation it is not appropriate for the Council to expect development to fund higher standards than the public sector itself is willing to provide through taxation. This particularly applies to sports provision; There is a lack of clarity in the tables as to how the summary gap funding figures in Table 5 are arrived at and how they relate to the summary funding tables which precede it and the detailed tables which follow. Specific questions include: ? Is all of the QED Wembley Section 106 included in Table 5; for example, does it include the recently signed Wembley North West Lands Section 106 agreement?; ? Are those items listed as "Delivered by Development", which includes most of the 12 million of public space at Wembley, included in the Section 106 heading or the gap? We would also raise some specific issues of principle. Firstly in relation to "Land Values" and "In Kind" contributions the IIF at para 4.3 states these are not included as they are in some sense "created" by the grant of planning consent. For items of major infrastructure which serve a wider regeneration area like Wembley this is incorrect if requirements reduce the overall development capacity by taking up space within the site. Where this would benefit other development sites, as is the case with most strategic infrastructure, the developer on whom the obligation falls is making a greater contribution than other landowners. This is acknowledged in the CIL regulations (Part 8, Para 73 of the 2010 regulations) which allows for "in kind" contributions of land. This incorrect reference should therefore be removed and the IIF should acknowledge that land for infrastructure may be accepted by the Council in lieu of CIL in appropriate circumstances. Second there is a significant issue about how existing Section 106 agreements tied to specific pieces of infrastructure will relate to those other items that in future will be paid for by CIL and other elements for which the Council may continue to seek Section 106 funding. Brent is perhaps different from many other authorities in having secured Section 106 agreements which are broadly similar in scale of benefit to what is expected to be raised by CIL. Many of the requirements at Wembley for example have already been secured through Section 106 agreements or inclusion within approved development schemes. Given the significance of Wembley in delivering the Council's Core Strategy objectives it is important for the Council to clarify specifically the status of each element in the IIF. This position will ultimately need to be clarified in the Council's list of infrastructure requirements (Regulation 123 list). Paragraph 2.2 of the IIF states that "Following the adoption of the CIL charging schedule this list (Regulation 123 list) will be agreed and published on the Council's website for inspection." As many of the items identified are listed as being covered by developers/S106, it would be reasonable now in the consultation stage to give an idea of which items fall under the already funded category, and which will be priorities for the CIL list. This is not a requirement of the CIL regulations but would allow interested parties to make

a properly informed response to the Council's emerging evidence base. It would also allow analysis of existing S106 commitments and required CIL payments to ensure that there is no double counting where infrastructure has already been secured through S106. Viability Assessment In addition to our general comments about the levels of uncertainty and therefore the need for caution in drawing conclusions from general viability assessments we would make a number of points in relation to the specific approach undertaken by BNP Paribas in the CIL Viability Study (2011) undertaken for the Council. The most significant point is about the lack of real market information, particularly relating to strategic sites which are essential for the delivery of the plan. Whilst a high level broad brush "sampling" approach may be appropriate for an authority where development is likely to be broadly spread across an area, in the case of Brent the viability of a small number of strategic locations will determine whether the Council achieves its Core Strategy targets and therefore development "across its area". As noted above, Wembley accounts for over half of all of Brent's housing target with four other key areas accounting for the vast majority of the remainder. Policy CP2 from Brent's LDF (below) shows the relevant targets. Community Infrastructure Levy Guidance: Charge setting and charging schedule procedures (CLG 2010), cites the primary legislation (section 212 (4)(b)) which requires a charging authority to use "appropriate available evidence" to inform their draft charging schedule. While local authorities are encouraged to look at impacts on development "across their area" the guidance advises that "a charging authority may want to sample directly a few sites across its area in order to supplement existing data. The focus should only be on a limited number of sites, particularly those sites where the impact of CIL on economic viability is likely to be more significant." We were therefore surprised that, in producing its CIL viability assessment, there appears to be no specific consideration of these key locations despite the Core Strategy being reliant on a small number of large sites to achieve its targets. As the Council is aware QED commissioned an extremely detailed, independent, viability study for the recently consented North-West Lands scheme, which demonstrated that, taking into account a Section 106 capital contribution of around 11m, the scheme was able to support a base of 10% affordable housing. As an initial exercise we have compared Section 106 contributions to CIL contributions on the basis of the charging schedule, taking into account existing floorspace and deductions for affordable housing. This suggests a CIL contribution in the region of 27m, including 4m for the Mayor of London's CIL. In this context we are therefore surprised that the BNP Paribas appraisal is able to draw the conclusion that development across the area would be viable with 50% affordable housing and the proposed CIL charges. Further, having reviewed the CIL Viability Study document in detail, we disagree with some of the key assumptions supporting this study, including: ? Rent ? Capitalisation Rate ? Capital Values, both for private and affordable housing? Void Periods / void deduction / discount? Net to gross efficiency rates? Build costs? External works costs? Contingencies? Professional fees ? Developer's profit target ? Construction period The details are set out on the attached table, with particular comments as they relate to the various market sectors on a Brent-wide basis in line with BNP's basis of analysis. In addition the assessment makes no reference to market values for land but instead draws on a high level assessment of notional existing use values and a level of uplift required for landowners to bring forward land for development. Again this may be an appropriate approach where there are significant numbers of windfall sites but in Brent most of the key identified sites are owned by developers (including in the case of South Kilburn, the Council) and there should be sufficient information including appraisals which the Council has seen, on which the Council can form a judgment. Given that our experience of working on Brent's most significant strategic site (one that is essential for the delivery of the Council's objectives across the area) is that affordable housing targets cannot be currently achieved alongside substantial Section 106 contributions, we strongly believe therefore that a CIL levy at the proposed level, which would result in contributions in excess of those for Section 106, is not viable. We strongly suggest that the Council should review its proposed CIL charging schedule, with a particular focus on including evidence from the (relatively small number) of major development sites which will be essential to achieve the Council's Core Strategy targets.

Officer's Response

In response to correspondence dated 12 th December 2011 from Quintain Estates & Development (QED) on the Brent Preliminary Draft Charging Schedule and Revised S106 Planning Obligation SPD consultations, we make the following remarks, which address the comments made in the correspondence from QED in turn, and under the broad headings therein.

General Approach

The Planning Act 2008 confers the power to charge the Community Infrastructure Levy (CIL) on certain bodies, known as charging authorities, with Local Planning Authorities the charging authorities for their own areas. The CIL Regulations that came into force in April 2010, and subsequent amendments made in April 2011, demonstrate that CIL remains Government's preferred vehicle for the collection of pooled development contributions to fund infrastructure. The CIL Regulations limit the use of S106 Planning Obligations such that a planning obligation may now only constitute a reason for granting planning permission for the development if the obligation is:

(a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development

On local adoption of the levy, or nationally after a transitional period of four years, that is 6 th April 2014, CIL Regulations will also restrict the local use of S106 planning obligations for pooled contributions towards items that may be funded via the levy. Pooled contributions may then only be sought from up to five separate planning obligations for an item of infrastructure that is not locally intended to be funded by the levy. The limit of five applies as well to types of general infrastructure contributions, such as education and transport.

Whatever the economic conditions and outlook, this timetable has been set by Government and is one that Brent Council does not control. The introduction of CIL will undermine the continuation of the Council's current use of S106 agreements and approach to pooling S106 contributions through the standard charge tariff system, and, unless the Council is prepared to move forward with the changing planning legislation and adopt a local CIL, thereby undermine the delivery of the infrastructure required to deliver Brent's adopted Local Development Framework Core Strategy (LDF CS). The Council is therefore proposing to introduce a local CIL to ensure the continued deliver of the infrastructure required for sustainable growth in the borough, and to concurrently revise existing s106 arrangements such that the Council's planning approach to the use of CIL and S106 to support development is consistent and balanced.

In setting the proposed CIL rates in the Brent Preliminary Draft Charging Schedule, the Council has, in line with the CIL Regulations, sought to strike an appropriate balance between the desirability of funding infrastructure from CIL and the potential effects of the imposition of CIL on the economic viability of development across the borough, and in doing so has been informed by a strategic CIL Viability Study that tests the ability of developments across the borough to yield contributions to infrastructure requirements through CIL. The economic viability of development in Brent is considered in more detail under the viability heading below.

With respect to the request for a change in the wording of the Brent Charging Schedule, this is not deemed necessary as a material change of use in any land or building is not development for the purposes of CIL, however for the avoidance of doubt we propose to note that "material change of use in any land or building is not development for the purposes of CIL".

Infrastructure & Investment Framework

The Council's Infrastructure & Investment Framework (I&IF) was adopted in May 2009 and the Council undertook a detailed review of the I&IF in October 2011. The I&IF sets out the foreseeable infrastructure requirements that will arise from anticipated new housing and commercial development that will be needed to create sustainable development and sustainable communities. The Framework does not claim to be exhaustive but does set out the broad priorities for the growth and regeneration areas identified in the adopted LDF CS.

On the matter of population growth, the adopted LDF CS plans for the development of 11,200 homes between 2007/08 and 2016/17. On the basis of the London Plan average household size of 2.34 falling to 2.19 over the plan period (para. 3.16, London Plan, July 2011) this yields a range of between 24,500 and 26,000 people. Brent has a higher average household size, which ONS projects will be 2.526 by 2016. (2008 based household projections, CLG, November 2010). Applying this to planned development of 11,200 homes yields an estimated population of 28,000 people by 2017. The adopted LDF CS Core Policy 2 on Population and Housing Growth therefore refers to a growth strategy that plans for over 11,200 homes from 2007/08 to 2016/17 and population growth of between 25,000 and 28,000 people by 2017. For the purposes of the I&IF, the more conservative Wandsworth model has been used to predict population growth in order to set a baseline that few would object to, with an average household size of 1.92 yielding a population growth of 21,500 people. In terms of the effect these ranges of population prediction have on the IIF, there will be limiting factors, for example with education infrastructure, where the I&IF requirements are driven by child population calculations. In any case,

QED fail to provide any evidence to substantiate the assertion that the I&IF infrastructure requirements are in whole or part driven by natural population growth rather than new population growth created by development. We do not accept that natural population growth significantly undermines the infrastructure investment requirements needed to support the population growth created by new development.

With respect to the standards of the I&IF infrastructure requirements, one needs first consider that standards of infrastructure provision have changed over time, in the main progressing and improving to meet the increased expectations of the general public. As such it should come as little surprise that new infrastructure such as sports facilities will generally be of a higher standard than older existing facilities. Most of the standards that inform the I&IF infrastructure requirements cost estimates follow current national and regional standards. Furthermore, if one looks at the amount and density of development planned under the LDF CS growth strategy, one can see that the Council has taken a flexible approach to infrastructure such that the qualitative nature of infrastructure provision is in some cases used to compensate for an actual shortfall against adopted quantitative standards. For example, the planned increase in the population of Wembley will suffer from a shortage of locally accessible grass football pitches, however an attempt has been made to compensate for this shortage through an infrastructure requirement for new synthetic football pitches that can be more intensively used.

The I&IF Summary Tables enumerate the infrastructure costs identified for the growth areas that are set out in the more detailed tables which follow and give headline information on funding that has been secured together with estimates on potential sources of infrastructure going forward. The Wembley North West Land S106 Agreement signed towards the end of November 2011 is not included in the Summary Tables, however will be included in the next update of the I&IF. Items listed as delivered by development will fall under the S106 Contributions heading in Summary Table 2 where the relevant S106 has been signed or fall under the funding gap if that is not the case.

In response to the specific issues of principle raised by QED:

Under the CIL Regulations a charging authority may accept one or more land payments in satisfaction of the whole or part of the CIL due in respect of a chargeable development, however if such an in kind land payment forms part of a wider development, the value of that in kind land payment will be derived with consideration to the value of the wider development. The I&IF details the capital costs of the infrastructure required to support the LDF CS growth strategy but does not include land costs unless they are outside of the development. Given the difficultly of determining exactly where and in what form all identified infrastructure requirements will come forward, the I&IF does not speculate as to the value of land for infrastructure that may form part of wider development, albeit when such costs are determined in actuality, as infrastructure delivery comes forward, one will see that the total cost of delivering the I&IF infrastructure requirements will increase and the funding gap widen. As such there is no tension between the acknowledgement of the principle that one or more land payments can satisfy the whole or part of the CIL due in respect of a chargeable development, and the exclusion of difficult to determine land values from the I&IF, and no need to amend the wording of para. 4.3 of the I&IF.

The Council understand the CIL Regulations apply to existing S106 Agreements signed after the CIL Regulations came into force in April 2010. The Council is undertaking a full audit of the position on triggered and untriggered S106 Planning Obligations to determine how funding is to be allocated against the I&IF, as well as any implications for the list of infrastructure projects or types of infrastructure that the Council intends will be, or may be, wholly or partly funded by CIL, and subject to CIL Regulation 123, which will be agreed and published following the adoption of the proposed Brent CIL Charging Schedule. In this process, the Council wants to maintain the deliverability of untriggerred S106 Planning Obligations and ensure the CIL Regulations are fully complied with.

Viability Assessment

The CIL Regulations state that in setting rates (including differential rates) in a charging schedule, a charging authority must aim to strike *what appears to the charging authority* to be an appropriate balance between -

(a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and

(b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.

The Council commissioned BNP Paribas Real Estate to undertake a strategic CIL Viability Study to form part of an evidence base to inform Brent's CIL Draft Charging Schedule. The BNP Paribas Real Estate study tests the ability of developments across the borough to yield contributions to infrastructure requirements through CIL. The study uses a standard development valuation methodology that compares residual land values of a range of developments to the sites' current use values, plus a margin to incentivise landowners to release sites for development. The value of potential development schemes is estimated, cost, financing, fees, CIL and profit deducted, and due regard given to policy requirements that residential development contribute towards affordable housing provision. If a development incorporating a given level of CIL generates a higher value than the current use value, plus an appropriate landowner's margin, then it can be judged that the proposed level of CIL will be viable.

The report tests a series of development scenarios and in the main the imposition of CIL is not considered a critical factor in determining whether a scheme is viable or not, with the relationship between scheme value, costs and existing use value considered far more important. The diagram below illustrates, proportionally, the constituent parts that make up the development scheme values and costs that inform development viability.

The study concludes by setting out ranges of CIL levels that different types of development schemes should be able to absorb and recommendations as to appropriate CIL levels for those different types of development schemes, with a margin or buffer between the proposed rates and the maximum rates that the study indicates are viable in the majority of development schemes.

QED raise a number of concerns regarding development viability in general and the BNP Paribas Real Estate CIL Viability Study in particular.

Concern is raised regarding current economic conditions, outlook and uncertainties and the Council urged to be cautious in setting CIL rates for a CIL Charging Schedule. The Council is aware that the economy is currently going through a difficult time and, more generally, that the pattern of economic circumstances will change over time and with market cycles. As noted, the BNP Paribas Real Estate Viability Study considers that in the main the imposition of CIL is not considered a critical factor in determining whether a development scheme is viable or not, with the relationship between scheme value, costs and existing use value considered far more important.

On the specific point of house prices and values, the fundamental problem of the UK housing market failing to provide enough new homes to meet the needs of our growing population remains. The top industry experts all continue to forecast medium term growth in London house prices. Savills forecast growth of 19.1% in the London mainstream markets between 2012 and 2016 (Savills Residential Research, November 2011). Knight Frank forecast growth of 9.3% in the London market for the same period, 2012 to 2016 (Knight Frank Residential Research, Q4 2011). Cluttons forecast that house prices in Greater London will increase by an average of 5% per annum over the next 5years (Cluttons Residential Property Forecasts, October 2011).

Notwithstanding that, the BNP Paribas Real Estate Viability Study sets out a range of CIL levels that the majority of different types of development schemes should be able to absorb and, following BNP Real Estate's recommendations, the Council has specifically allowed a margin or buffer of at least 20% versus the maximum CIL levels that the majority of different types of development schemes should be able to absorb to allow for movements in economic variables.

Concern is also raised at the high level and strategic approach of the BNP Paribas Real Estate Viability Study to testing development viability. The CLG CIL Guidance on Charge Setting and Charging Schedule Procedures dated March 2010 specifically recommends such a strategic and area?wide based approach be adopted by charging authorities when testing development viability to inform charge setting.

"Charging authorities should use an area-based approach, which involves a broad test of viability across their area as the evidence base to underpin their charge. Charging authorities should take a strategic view across their area and should not focus on the potential implications of setting a CIL for individual development sites within a charging authority's area. Regulation 14 recognises that the introduction of CIL may put some potential development sites at risk. It is for charging authorities to

decide what CIL rate, in their view, sets an appropriate balance between the need to fund infrastructure, and the potential implications for the economic viability of development across their area."

Whilst Wembley is an important LDF CS growth area in the borough, the proposed CIL rates will apply across the whole borough and therefore we consider a strategic approach to viability an appropriate one, and it should be noted in line with the approach to viability taken by the three local authorities who have completed examinations to date (Newark & Sherwood, Shropshire and Redbridge), all of whose proposed Charging Schedule have been found to be appropriate, as well as numerous other authorities who are preparing charging schedules for their areas. One should note that QED have already signed S106s on outline applications for their Stage 1 site, which includes development of up to 3,727 homes, and more recently their North West Lands site, which includes the development of up to 1,300 homes.

Whilst difficult to comment on specific sites, with regards the quoted example of the consented North West Lands scheme, QED stated in the North West Lands planning application viability submittal that the planning obligations package, including works in kind and professional fees, totals 28.65m and we ask QED to explain how the putative figures of 11m and 27m have been derived. One should also note that in the example of the consented North West Lands scheme, and indeed in the case of new development in general, infrastructure is not just required to mitigate for the pressures created by the new development and population, but will also provide a positive contribution to the value of development, which as we have seen is a much more important factor than CIL when considering whether a development is viable or not. Investment in infrastructure will make a significant contribution to improving the attractiveness of key parts of the Borough as places to live and work, boosting demand and contributing to increases in residential sales values and commercial rents.

With respect to the QED analysis of the financial assumptions underpinning the BNP Paribas Real Estate Viability Study we are concerned that this appears to be an attempt to build an additional contingency into the appraisal in an attempt to bring about a reduction in the proposed CIL rates. We have commissioned BNP Paribas Real Estate to address the specific detailed points and their responses are appended.

With respect to QED's proposition that market land values are a more appropriate benchmark than existing use values plus a premium to incentivise development when testing development viability, QED appear to fail to recognise that market value is based on the prices developers have paid for sites under the currently planning policy regime and that we are seeking to test the viability of a new policy. Testing against market value will, by default, conclude that the new policy is unviable as it seeks to ?take' more of the land value than the old policy. Testing the value of a notional site in it's current use and adding a further 20% as an incentive to the landowner to release the site for redevelopment is a much more logical approach, with 20% quite a generous incentive in many cases, even leading to a value that exceeds the market value equivalent in some cases.

Revised S106 Planning Obligation SPD

QED suggest the SPD needs to confirm more clearly the circumstances in which S106 Agreements will still be required after the proposed introduction of CIL. As previously noted, the CIL Regulations limit the use of S106 Planning Obligations such that a planning obligation may now only constitute a reason for granting planning permission for the development if the obligation is:

(a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

The SPD also sets out Standard Heads of Terms which, whilst not exhaustive, do identify the most common planning issues that are most likely to be included within any S106 Agreement.

On the matter of double counting between S106 Planning Obligation and CIL, we would draw attention to CIL Regulation 123(2) which states that "A planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure" and, as previously noted, reassure QED that we are undertaking a full audit of the position on triggered and untriggered S106 Planning Obligations to determine how funding can and could be allocated against the I&IF, as well as any implications for the list of infrastructure projects or types of infrastructure that the Council intends will be, or may be, wholly or partly funded by CIL, and subject to CIL Regulation 123, which will be agreed and published following the adoption of the proposed Brent CIL Charging Schedule.

Exemptions & Instalments

The Council is aware of, and will pay due regard to, the CIL Regulations covering discretionary relief from CIL in exceptional circumstances.

The Council is aware of the amendments to the CIL Regulations that allow charging authorities to set their policies on the phasing of CIL payments and intends to introduce such a policy. The Council appreciates that, for a majority of developers, the timing of the payment of CIL will be more important than the actual level at which CIL is levied. This is not a matter that the Council is required to determine as part of the consultation on the charging schedule and will consult further with the development community in due course. In any case, attention is drawn to the amendments to CIL Regulation 70 which detail the circumstances in which CIL is payable in accordance with any Mayoral instalment policy where London boroughs do not issue an instalment policy.

Conclusion

Brent Council's plan for sustainable growth and development in the borough is underpinned by the delivery of necessary infrastructure. The Planning Act 2008 and CIL Regulations 2010 set a new framework within which infrastructure will be secured through the planning system and in particular the movement away from the use of S106 Planning Obligations and towards the Community Infrastructure Levy. The Council therefore proposes to adopt a local CIL and revise existing S106 arrangements.

In line with the CIL Regulations, in setting CIL rates in a charging schedule the Council will aim to strike an appropriate balance between funding the infrastructure required to support development and growth, and the potential effects the imposition of CIL may have on the economic viability of development across the borough. To this effect, the Council has reviewed the infrastructure required to deliver growth and regeneration in the borough as set out in the Infrastructure & Investment Framework and been informed by the BNP Paribas Real Estate strategic CIL Viability Study that has tested the ability of developments across the borough to yield contributions to infrastructure requirements through CIL.

We invite and welcome comment from developers on our efforts to strike an appropriate balance in setting CIL rates in a charging schedule and are happy to continue our dialogue with QED. We are particularly keen to know what developers think would be appropriate CIL rates to charge in Brent and would be grateful to hear your views.

Comment by English Heritage (Graham Saunders)

Comment ID PDCS5

Response Date 12/12/11 16:07

Consultation Point Preliminary Draft Charging Schedule (View)

Status Processed

Submission Type Letter

Version 0.10

Do you agree that the proposed rates of CIL, set out in the Preliminary Draft Charging Schedule, strike an appropriate balance between securing additional investment for infrastructure to support development and the potential economic effect of imposing CIL on development across the borough?

Not sure

Which of the proposed CIL rates do you consider fail to provide an appropriate balance?

Please provide any comments that you have on the Preliminary Draft Charging Schedule in the box below.

Thank you for seeking our views on the above documents. As the Government?s adviser on the historic environment English Heritage is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. This includes identifying opportunities where London?s heritage assets can be enhanced through development activity. In general we have no comments to make at this stage in the development of the draft S106 Planning Obligations SPD. However we would seek to ensure that where planning contributions are gained, that they are used effectively in conserving and enhancing the Borough?s heritage assets. It is acknowledged that S106 agreements should be based upon specific impacts of the proposed development. However, the Borough contains a breadth of heritage assets that may be directly or indirectly impacted by proposed developments. For example developments that result in the need for public realm and highway changes may coincide with the location of designated heritage assets such as conservation area and/or listed buildings. These changes could have an impact upon the significance of these assets including their setting. With this in mind we would suggest that the Heads of Terms includes a reference to any appropriate appraisal and/or management plan of any affected heritage assets (i.e. conservation area appraisal and management plans) as a basis in which to demonstrate that the mitigation measures used are appropriate. English Heritage would strongly advise that the Borough?s own conservation staff are closely involved throughout the preparation of the above documents as they are often best placed to advise on: local historic environment issues and priorities, sources of data; and consideration of options relating to the historic environment.

Officer's Response

No specific representations have been raised in relation to the Preliminary Draft Charging Schedule.

Comment by Solum Regeneration

Comment ID PDCS4

Response Date 12/12/11 15:22

Consultation Point Preliminary Draft Charging Schedule (View)

Status Processed

Submission Type Letter

Version 0.7

Do you agree that the proposed rates of CIL, set out in the Preliminary Draft Charging Schedule, strike an appropriate balance between securing additional investment for infrastructure to support development and the potential economic effect of imposing CIL on development across the borough?

Not sure

Which of the proposed CIL rates do you consider fail to provide an appropriate balance?

Please provide any comments that you have on the Preliminary Draft Charging Schedule in the box below.

I write on behalf of my client, Solum Regeneration, which was formed in July 2008 as a partnership between Network Rail and Kier Property to redevelop and regenerate a number of Network Rail owned

sites, including Wembley Chiltern Embankments within the London Borough of Brent. Please accept this as Solum Regeneration's representations to the Brent Draft Planning Obligations SPD and the Community Infrastructure Levy (CIL) Draft Charging Schedule consultations. A summary of our representations is: 1. Both the Draft Planning Obligations SPD and the Community Infrastructure Levy Draft Charging Schedule necessitate a much more flexible approach in terms of impacts on development viability. They should, therefore, recognise the fact that market conditions may change since the initial viability work was carried out on behalf of the Council and explicitly state that development viability will be taken into consideration when the planning obligations and CIL payments are negotiated 2. This flexible approach is supported by the Government's recent publication "Laying the Foundations: A Housing Strategy for England", which was launched on 21 November by the Prime Minister and is a radical new strategy to reignite the housing market and get the nation building again. Specifically paragraph 30 confirms that: "The Government will also encourage a flexible approach to planning obligations, to safeguard against substantial and unexpected change in market conditions". I would be pleased to attend a meeting with you to discuss this representation in more detail if that is of assistance.

Officer's Response

The proposed rates of CIL have been formulated on the basis of appropriate available evidence and in the view of the Council (the Charging Authority) they strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the levy upon the economic viability of development across borough.

Once set, the CIL Regulations do not allow for the rates for new development to be negotiated on a case by case basis. However, in the future the Council may review the rates, albeit this would require the Council to repeat the examination process. The Council is also giving consideration to allowing applications to be made for exemptions under the provisions for exceptional circumstances, as set out in the Regulations. However, as yet, no decision has been made on this matter as it is not required for the examination of the Charging Schedule.

In terms of S106 Planning Obligations, the Council will continue to seek site specific mitigation and, where necessary, these will be negotiated on a site by site basis and in accordance with the tests set out in the CIL Regulations. Where appropriate, the Council will give due consideration to viability when negotiating obligations on certain matters, such as affordable housing, however some obligations will be required to ensure development is acceptable in planning terms.

Comment by Highways Agency (Mr Patrick Blake)

Comment ID PDCS3

Response Date 08/12/11 10:39

Consultation Point Preliminary Draft Charging Schedule (<u>View</u>)

Status Processed

Submission Type Email

Version 0.9

Do you agree that the proposed rates of CIL, set out in the Preliminary Draft Charging Schedule, strike an appropriate balance between securing additional investment for infrastructure to support development and the potential economic effect of imposing CIL on development across the borough?

Not sure

Which of the proposed CIL rates do you consider fail to provide an appropriate balance?

Please provide any comments that you have on the Preliminary Draft Charging Schedule in the box below.

Thank you for yourletter dated 28October 2011 inviting the Highways Agency (HA)to comment on Brent's Community Levy Preliminary Draft Charging Schedule and Revised Section 106 Supplementary Planning Document (SPD). The HA is an executive agency of the Department for Transport (DfT). We are responsible for operating, maintaining and improving England's Strategic Road Network (SRN) on behalf of the Secretary of State for Transport. The HA will be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN. We would be keen to have early discussions with Brent about any transport interventions that the Community Infrastructure Levy might contribute towards that could impact on the M1.

Officer's Response

The Council intend to use CIL funds to provide infrastructure to support strategic growth across the borough. Officers consider that the amount of CIL collected under proposed Charging Schedule is unlikely to provide sufficient funding to meet the full infrastructure requirements of the borough and therefore the Council will need to prioritise those infrastructure projects which they consider to be of greatest local importance. As such, the Council do not intend to use CIL funds to contribute towards the provision of national infrastructure which, in the view of the Council, should be funded by either regional or central government.

Comment by The Theatres Trust (Ms Rose Freeman)

Comment ID PDCS2

Response Date 07/12/11 09:58

Consultation Point Preliminary Draft Charging Schedule (View)

Status Processed

Submission Type Email

Version 0.10

Do you agree that the proposed rates of CIL, set out in the Preliminary Draft Charging Schedule, strike an appropriate balance between securing additional investment for infrastructure to support development and the potential economic effect of imposing CIL on development across the borough?

Not sure

Which of the proposed CIL rates do you consider fail to provide an appropriate balance?

Please provide any comments that you have on the Preliminary Draft Charging Schedule in the box below.

Thank you for your letter of 28 October consulting The Theatres Trust on the CIL Preliminary Draft Charging Schedule and Revised S106 SPD. 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.' Our comments are general and we have noted the inclusion of sui generis uses (theatres) in the table within the consultation letter. 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. As CIL will eventually replace S106 agreements as the main tool for securing contributions for infrastructure we hope that the document will ensure that the loss of any community and cultural facility through redevelopment is satisfactorily compensated through substitution, replacement or regeneration of those facilities, and will ensure that adequate new facilities are provided to mitigate the increased demands on existing facilities and infrastructure which is likely to result from any new developments. Drivers Jonas had advised in February 2010 that ?The change to S106 obligations seek to remove their ability to provide for funding or the provision of infrastructure projects or types of infrastructure. If local authorities want to obtain funding for infrastructure they will have to produce a charging schedule and adopt CIL prior to April 2014, effectively making CIL mandatory.'

Officer's Response

It is accepted that theatres exhibit similar characteristics, in viability terms, to other uses which the Council are proposing to charge a zero rate of CIL. As such, Officers propose to include theatres within the zero charge category when the Draft Charging Schedule is produced.

Policy CP23 of the boroughs Core Strategy sets out to protect existing community and cultural facilities, or to mitigate their loss where necessary. It is envisaged that s106 planning obligations will continue to provide an appropriate means of securing site specific mitigation against any loss of community or cultural facilities.

Yes

Comment by British Waterways (Mrs Claire McClean)

Comment ID PDCS12

Response Date 06/12/11 09:49

Consultation Point Preliminary Draft Charging Schedule (View)

Status Processed

Submission Type Email

Version 0.6

Do you agree that the proposed rates of CIL, set out in the Preliminary Draft Charging Schedule, strike an appropriate balance between securing additional investment for infrastructure to support development and the potential economic effect of imposing CIL on development across the borough?

Which of the proposed CIL rates do you consider fail to provide an appropriate balance?

Please provide any	comments that y	ou have on th	e Preliminary	Draft Chargin	g Schedule i	n the box
below.						

I can confirm that we have no comments to make on the CIL charging schedule.

Officer's Response

No response required

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Comments

Draft SPD s106 Planning Obligations (31/10/11 to 12/12/11)

Comment by Development Securities PLC (Laurence Martin)

Comment ID s1068

Response Date 14/12/11 11:50

Consultation Point SPD s106 Planning Obligations (View)

Status Processed

Submission Type Letter

Version 0.7

Please confirm your general view on the proposed Objection

SPD on s106 Planning Obligations

Please provide any specific comments on the document in the box below

Development Securities welcomes the opportunity to comment on the CIL and S106 consultations. We are concerned about how these changes are implemented and the effect they will have on the delivery of Brent's targets for new homes. The overriding concern relates to viability, both in the detail of how this has been calculated, and the broad application of the rates. Overall approach to viability The level of CIL is being set at a time of considerable economic uncertainty, with a significant risk of a further recession. This would affect development values, and given the inflexible nature of the CIL charge once set, many more schemes could become unviable as a result. This would jeopardise delivery of the Core Strategy housing targets. The sensitivity analysis undertaken in the CIL viability assessment does not take this into account, and only models "up-side" risks of higher growth in property values. To be a fair and reasonable assessment of viability it needs to also look at the very real down-side risks to development value from the current (and future) economic situation. Infrastructure Needs This overestimates the demand for infrastructure arising from new development in two important respects. Firstly, in some cases (particularly for sports infrastructure) it expects provision for new development to exceed the level currently provided by the Council for the existing community. This is not justified. Secondly, it overestimates the degree to which new housing leads to an increase in the population. The population in Brent (and London more widely), is increasing irrespective of house building, and new homes to some extent simply relieve pressure on the existing housing stock. Evidence such as the "net population gain" calculations by the Healthy Urban Development Unit confirm that a significant proportion of residents taking up new housing were already living locally, even after allowing for the net effects of their previous homes being "backfilled" by other households. Much of the infrastructure needs identified in the Investment Framework therefore are a result of general growth in the borough's population, not as a result of house building. Application of CIL and 8106 The interaction of CIL and S106 will be complex and needs to be managed carefully to avoid damaging both viability and delivery of infrastructure. Concerns include: ? Paragraph 4.3 of the IIF needs to be brought into line with the CIL regulations to recognise that land for infrastructure can be accepted in lieu of payment of CIL. ? The S106 SPD should make clear how developers will be given certainty over the delivery of infrastructure that is necessary for their development, and which is paid for by the development (through CIL), but implemented by the Councillor others. ? The phasing of CIL payments will be determined by the Council and will have implications for viability of development. This is not set out in the charging schedule and must be properly consulted on. We would welcome the opportunity to discuss these issues further, and urge the Council to revisit the detail and application of these draft policies to reduce the risk of introducing an inflexible charge that renders the Core Strategy targets unviable.

Officers Response

In response to correspondence dated 14 th December 2011 from Development Securities on the Brent Preliminary Draft Charging Schedule and Revised S106 Planning Obligation SPD consultations, we make the following remarks, which address the comments made in the correspondence from Development Securities in turn, and under the broad headings therein.

Overall Approach to Viability

The CIL Regulations state that in setting rates (including differential rates) in a charging schedule, a charging authority must aim to strike *what appears to the charging authority* to be an appropriate balance between -

- (a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and
- (b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.

The Council commissioned BNP Paribas Real Estate to undertake a strategic CIL Viability Study to form part of an evidence base to inform Brent's CIL Draft Charging Schedule. The BNP Paribas Real Estate study tests the ability of developments across the borough to yield contributions to infrastructure requirements through CIL. The study uses a standard development valuation methodology that compares residual land values of a range of developments to the sites' current use values, plus a margin to incentivise landowners to release sites for development. The value of potential development schemes is estimated, cost, financing, fees, CIL and profit deducted, and due regard given to policy requirements that residential development contribute towards affordable housing provision. If a development incorporating a given level of CIL generates a higher value than the current use value, plus an appropriate landowner's margin, then it can be judged that the proposed level of CIL will be viable.

The report tests a series of development scenarios and in the main the imposition of CIL is not considered a critical factor in determining whether a scheme is viable or not, with the relationship between scheme value, costs and existing use value considered far more important. The diagram below illustrates, proportionally, the constituent parts that make up the development scheme values and costs that inform development viability.

The study concludes by setting out ranges of CIL levels that different types of development schemes should be able to absorb and recommendations as to appropriate CIL levels for those different types of development schemes, with a margin or buffer between the proposed rates and the maximum rates that the study indicates are viable in the majority of development schemes.

Development Securities raise concerns regarding the current economic climate and in particular development values. The Council is aware that the economy is currently going through a difficult time and, more generally, that the pattern of economic circumstances will change over time and with market cycles. As noted, the BNP Paribas Real Estate Viability Study considers that in the main the imposition of CIL is not considered a critical factor in determining whether a development scheme is viable or not, with the relationship between scheme value, costs and existing use value considered far more important.

On the specific point of house prices and values, the fundamental problem of the UK housing market failing to provide enough new homes to meet the needs of our growing population remains. The top industry experts all continue to forecast medium term growth in London house prices. Savills forecast growth of 19.1% in the London mainstream markets between 2012 and 2016 (Savills Residential Research, November 2011). Knight Frank forecast growth of 9.3% in the London market for the same period, 2012 to 2016 (Knight Frank Residential Research, Q4 2011). Cluttons forecast that house

prices in Greater London will increase by an average of 5% per annum over the next 5years (Cluttons Residential Property Forecasts, October 2011).

Notwithstanding that, the BNP Paribas Real Estate Viability Study sets out a range of CIL levels that the majority of different types of development schemes should be able to absorb and, following BNP Real Estate's recommendations, the Council has specifically allowed a margin or buffer of at least 20% versus the maximum CIL levels that the majority of different types of development schemes should be able to absorb to allow for movements in economic variables.

Infrastructure Needs

The Council's Infrastructure & Investment Framework (I&IF) was adopted in May 2009 and the Council undertook a detailed review of the I&IF in October 2011. The I&IF sets out the foreseeable infrastructure requirements that will arise from anticipated new housing and commercial development that will be needed to create sustainable development and sustainable communities. The Framework does not claim to be exhaustive but does set out the broad priorities for the growth and regeneration areas identified in the adopted Local Development Framework Core Strategy.

Development Securities assert that demand for infrastructure is overestimated in the I&IF and make two specific arguments.

On the matter of the standards of the I&IF infrastructure requirements, one needs first consider that standards of infrastructure provision have changed over time, in the main progressing and improving to meet the increased expectations of the general public. As such it should come as little surprise that new infrastructure such as sports facilities will generally be of a higher standard than older existing facilities. Most of the standards that inform the I&IF infrastructure requirements cost estimates follow current national and regional standards. Furthermore, if one looks at the amount and density of development planned under the LDF CS growth strategy, one can see that the Council has taken a flexible approach to infrastructure such that the qualitative nature of infrastructure provision is in some cases used to compensate for an actual shortfall against adopted quantitative standards. For example, the planned increase in the population of Wembley will suffer from a shortage of locally accessible grass football pitches, however an attempt has been made to compensate for this shortage through an infrastructure requirement for new synthetic football pitches that can be more intensively used.

With respect to population growth, the adopted LDF CS plans for the development of 11,200 homes between 2007/08 and 2016/17. On the basis of the London Plan average household size of 2.34 falling to 2.19 over the plan period (para. 3.16, London Plan, July 2011) this yields a range of between 24,500 and 26,000 people. Brent has a higher average household size, which ONS projects will be 2.526 by 2016. (2008 based household projections, CLG, November 2010). Applying this to planned development of 11,200 homes yields an estimated population of 28,000 people by 2017. The adopted LDF CS Core Policy 2 on Population and Housing Growth therefore refers to a growth strategy that plans for over 11,200 homes from 2007/08 to 2016/17 and population growth of between 25,000 and 28,000 people by 2017. For the purposes of the I&IF, the more conservative Wandsworth model has been used to predict population growth in order to set a baseline that few would object to, with an average household size of 1.92 yielding a population growth of 21,500 people. In terms of the effect these ranges of population prediction have on the IIF, there will be limiting factors, for example with education infrastructure, where the I&IF requirements are driven by child population calculations.

We do not accept that growth in the borough's existing population significantly undermines the infrastructure investment requirements needed to support the population growth created by new development.

Application of CIL and S106

The Planning Act 2008 and CIL Regulations 2010 set a new framework within which infrastructure will be secured through the planning system and in particular the movement away from the use of S106 Planning Obligations and towards the Community Infrastructure Levy.

The CIL Regulations that came into force in April 2010, and subsequent amendments made in April 2011, demonstrate that CIL remains Government's preferred vehicle for the collection of pooled development contributions to fund infrastructure. The CIL Regulations limit the use of S106 Planning Obligations such that a planning obligation may now only constitute a reason for granting planning permission for the development if the obligation is:

(a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development

On local adoption of the levy, or nationally after a transitional period of four years, that is 6 th April 2014, CIL Regulations will also restrict the local use of S106 planning obligations for pooled contributions towards items that may be funded via the levy. Pooled contributions may then only be sought from up to five separate planning obligations for an item of infrastructure that is not locally intended to be funded by the levy. The limit of five applies as well to types of general infrastructure contributions, such as education and transport.

The Council understand that care must be taken to ensure the Council's planning approach to the use of CIL and S106 to support development is consistent, balanced and deliverable and proposes to introduce a local CIL to ensure the continued delivery of the infrastructure required for sustainable growth in the borough, and to concurrently revise existing s106 arrangements, to that effect. The Council is also currently undertaking a full audit of the position on triggered and untriggered S106 Planning Obligations to determine how funding can and could be allocated against the I&IF, as well as any implications for the list of infrastructure projects or types of infrastructure that the Council intends will be, or may be, wholly or partly funded by CIL, and subject to CIL Regulation 123, which will be agreed and published following the adoption of the proposed Brent CIL Charging Schedule.

Development Securities raise three specific concerns.

The Council understand that under the CIL Regulations a charging authority may accept one or more land payments in satisfaction of the whole or part of the CIL due in respect of a chargeable development, however if such an in kind land payment forms part of a wider development, the value of that in kind land payment will be derived with consideration to the value of the wider development. The I&IF details the capital costs of the infrastructure required to support the LDF CS growth strategy but does not include land costs unless they are outside of the development. Given the difficultly of determining exactly where and in what form all identified infrastructure requirements will come forward, the I&IF does not speculate as to the value of land for infrastructure that may form part of wider development, albeit when such costs are determined in actuality, as infrastructure delivery comes forward, one will see that the total cost of delivering the I&IF infrastructure requirements will increase and the funding gap widen. As such there is no tension between the acknowledgement of the principle that one or more land payments can satisfy the whole or part of the CIL due in respect of a chargeable development, and the exclusion of difficult to determine land values from the I&IF, and no need to amend the wording of para. 4.3 of the I&IF.

The Council has a track record of securing cash contributions for infrastructure under S106 Agreements, and then delivering that infrastructure. For example, one can point to the Council's successful school expansion programme, or public highways and transport projects. The move to funding infrastructure through CIL rather than S106 Planning Obligations will only provide the Council with greater freedom and flexibility to deliver infrastructure. In particular, the move to funding infrastructure through CIL will enhance the Council's ability to pool developer contributions to deliver larger infrastructure projects. The Council will agree and publish the list of infrastructure projects or types of infrastructure that the Council intends will be, or may be, wholly or partly funded by CIL, and subject to CIL Regulation 123, following the adoption of the proposed Brent CIL Charging Schedule. The Council, in accordance with CIL Regulation 62, will also report on the amount of CIL collected and spent each financial year.

The Council is aware of the amendments to the CIL Regulations that allow charging authorities to set their policies on the phasing of CIL payments and intends to introduce such a policy. The Council appreciates that, for a majority of developers, the timing of the payment of CIL will be more important than the actual level at which CIL is levied. This is not a matter that the Council is required to determine as part of the consultation on the charging schedule and will consult further with the development community in due course. In any case, attention is drawn to the amendments to CIL Regulation 70 which detail the circumstances in which CIL is payable in accordance with any Mayoral instalment policy where London boroughs do not issue an instalment policy.

We invite and welcome comment from developers on our efforts to strike an appropriate balance in setting CIL rates in a charging schedule and are happy to continue our dialogue with Development Securities. We are particularly keen to know what developers think would be appropriate CIL rates to charge in Brent and would be grateful to hear your views.

Comment by Mike Johnson

Comment ID s1067

Response Date 13/12/11 09:32

Consultation Point SPD s106 Planning Obligations (<u>View</u>)

Status Processed

Submission Type Email

Version 0.9

Please confirm your general view on the proposed Neutral

SPD on s106 Planning Obligations

Please provide any specific comments on the document in the box below

Prior to any occupation, submit a travel for approval and adhere to a Travel Plan including provision of further mitigation if the targets within the Travel plan are not met. Response: The travel plan monitoring should include a requirement for iTRACE compatibility. Prior to occupation, undertake agreed access and/or highway improvements, if this involves work on the public highway this may need to be subject to an agreement under s278 of the Highways Act 1990 Response: It would be helpful if the SPD referred to s.278 agreements with Transport for London (TfL) where TfL are the Local Highway Authority. Infrastructure Response: It would be helpful to make reference to strategic transport contributions to support public transport capacity enhancements where these have been identified at the planning application stage; e.g. site specific requirements such as bus stop improvements or pump priming contributions for bus service enhancements, which cannot be delivered through a CIL, but are still required to make the development acceptable in planning terms.

Officers Response

Officers propose to include reference to compatibility with i-trace, or other similar software, within the standard Heads of Terms. The standard Heads of Terms are intended to set out the likely s106 requirements for the majority of development across the borough to give developers a broad understanding of what will be required. Officers do not consider that it should be within the scope of the proposed SPD to provide information that will only be relevant in the minority of cases. The Council will continue to provide more detailed site specific information to developers through pre-application discussions. Similarly, where the Council intend to use s106 planning obligations to secure site specific mitigation this will be negotiated on a site by site basis as the majority of the required infrastructure will be funded through CIL.

Comment by Environment Agency (Miss Eleri Randall)

Comment ID s1066

Response Date 13/12/11 09:24

Consultation Point SPD s106 Planning Obligations (View)

Status Processed

Submission Type Letter

Version 0.6

Please confirm your general view on the proposed Support SPD on s106 Planning Obligations

Please provide any specific comments on the document in the box below

Section 106 Supplementary Planning Document As discussed with you by phone, we welcome the shortened version of the Supplementary Planning Document however due to it?s shortened version there are a number of environmental issues which we feel have been missed out. We would request that under the Standard Head of Terms a bullet point is included which requires contribution towards mitigation and/or compensation of impact of development on biodiversity. It could read as follows: To provide compensatory measures for any adverse impacts on biodiversity (where developments have not included biodiversity benefits as part of the Sustainability Checklist). We understand that biodiversity does feature in your boroughs Sustainability Checklist which is listed in the Standard Head of Terms however would like this to be a separate bullet point as some developments could score highly on other sustainability aspects but not necessarily biodiversity as part of the checklist. In addition we feel that a bullet point referring to flood risk management and the long term maintenance and management of Sustainable Drainage Systems (SuDS) could be added as design features which could be specified and submitted as part of a Section 106 agreement.

Officers Response

Policy CP18 of the Council?s Core Strategy sets out to protect and enhance biodiversity across the borough and therefore officers consider it appropriate to include a specific reference to mitigating the impact of development on biodiversity within the listed standard Heads of Terms. In terms of Flood Risk Management and the provision of SuDS, in the Council experience, this issue can often be satisfactorily resolved through the imposition of suitable planning conditions. However, where justified, a s106 planning obligation could be used as a means of securing suitable mitigation and it should be noted that the standard Heads of Terms set out in the draft SPD are not intended to be exhaustive.

Comment by Quintain Estates & Developments PLC (Ms Anne

Clements)

Comment ID s1065

Response Date 12/12/11 17:10

Consultation Point SPD s106 Planning Obligations (View)

Status Processed

Submission Type Letter

Version 0.11

Please confirm your general view on the proposed Neutral

SPD on s106 Planning Obligations

Please provide any specific comments on the document in the box below

SPD on Planning Obligations and Delivery of Infrastructure

As noted above, the delivery of infrastructure to support development in Wembley will be a complex process, which is likely to bring together funding from existing Section 106 agreements, Community Infrastructure Levy (if adopted), and from future Section 106 agreements, as well as contributions from the public purse. It is the role of the Council to "orchestrate" the delivery of this infrastructure, bringing together funding sources and providers at the appropriate time. The Council will need to be clear to partners, both in the revised SPD on planning obligations, but also in specific Section 106 agreements

and work with developers to plan for infrastructure delivery. Also, it is important to have regard to paragraph B10 of Circular 05/2005, which states: "In some instances, perhaps arising from different regional or site-specific circumstances - it may not be feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable. In such cases, and where development is needed to meet the aims of the development plan, it is for the local planning authority and other public sector agencies to decide what is to be the balance on contributions by the developers and by the public sector infrastructure provided in its area supported for example by local taxation." In relation to the draft SPD we feel that it does not currently identify all of the significant issues facing developers, or provide the re-assurance that Section 106 requirements will be used sparingly and only in essential cases. In particular we feel that it needs to confirm more clearly: The circumstances in which Section 106 agreements will still be required; in the case of Wembley it could, for example, cross refer to the IIF, which (as we note above in relation to the list of infrastructure for CIL), clarifies which elements are expected to be covered by CIL, which by existing Section 106 and which by future Section 106. This includes items such as amenity open space, as mentioned in the S106 SPD. This will also allow a fairer assessment of viability of CIL on strategic sites; The approach to the use of planning conditions and working in partnership with developers; there is a major concern that as the link between contributions and specific items of infrastructure are broken, developers should not be faced with planning conditions (Grampian conditions) over which they have no control, for example the delivery of a new school or specific item of infrastructure in advance of occupation of a certain number of homes. The Planning Obligations SPD should confirm how the Council will address those issues and work with applicants to ensure that there is some level of guarantee that specific items of infrastructure will be delivered. That there will be no double counting between S106 contributions and the CIL charge. With reference to the detail of the Heads of Terms within the draft SPD we would also emphasise that the planting of street trees along frontages must be co-ordinated with utilities and other underground infrastructure. Where these are in existence street tree planting may not be possible or else prohibitively expensive. There are also a number of issues outside of the Charging Schedule and Draft SPD, but related directly to the implementation of CIL which would be of significance to QED, and which we consider it is important to raise. These include: Exemptions Policy: The Council is, in very strictly defined circumstances, allowed to offer an exemptions policy, but it must choose to do so. These could include land ?in lieu' situations as set out above and Section 73 applications where, as things currently stand these could result in a CIL requirement being imposed on top of an existing Section 106 agreement whereas it would be considered appropriate to implement the exemptions policy; Phasing of Payment: Under revised CIL regulations the Council will be allowed to set its own policy on the phasing of CIL payments, which could have significant impacts on developments depending on their funding structure, the prevailing market at the time payment is due and the phasing of development delivery. At a strategic level, QED is keen to understand how Brent intends to support delivery of infrastructure through the IIF, and how we can work with the Council to help ensure that the infrastructure is delivered in a timely fashion to suit the roll out of developments. Ultimately we would like to see the Wembley section of the IIF become a delivery plan, setting out transparently the programme for delivery, how resources will be applied, and how delivery can be jointly monitored. Ongoing dialogue with ourselves and other landowners will be critical, and we suggest that the Borough should establish a developer forum to test viability on key sites in Wembley and elsewhere. We are aware that this approach has already been accepted by at least one other CIL charging authority. We are keen to meet regularly with you to consider these issues before the next Draft is formally consulted upon in February/March 2012. We look forward to hearing further from you.

Officers Response

QED suggest the SPD needs to confirm more clearly the circumstances in which S106 Agreements will still be required after the proposed introduction of CIL. As previously noted, the CIL Regulations limit the use of S106 Planning Obligations such that a planning obligation may now only constitute a reason for granting planning permission for the development if the obligation is:

(a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

The SPD also sets out Standard Heads of Terms which, whilst not exhaustive, do identify the most common planning issues that are most likely to be included within any S106 Agreement.

On the matter of double counting between S106 Planning Obligation and CIL, we would draw attention to CIL Regulation 123(2) which states that "A planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure" and, as previously noted, reassure QED that we are undertaking a full audit of the position on triggered and untriggered S106 Planning Obligations to determine how funding can and could be allocated against the I&IF, as well as any implications for the list of infrastructure projects or types of infrastructure that the Council intends will be, or may be, wholly or partly funded by CIL, and subject to CIL Regulation 123, which will be agreed and published following the adoption of the proposed Brent CIL Charging Schedule.

Comment by English Heritage (Graham Saunders)

Comment ID s1064

Response Date 12/12/11 16:17

Consultation Point SPD s106 Planning Obligations (<u>View</u>)

Status Processed

Submission Type Letter

Version 0.7

Please confirm your general view on the proposed Neutral

SPD on s106 Planning Obligations

Please provide any specific comments on the document in the box below

Thank you for seeking our views on the above documents. As the Government?s adviser on the historic environment English Heritage is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. This includes identifying opportunities where London?s heritage assets can be enhanced through development activity. In general we have no comments to make at this stage in the development of the draft S106 Planning Obligations SPD. However we would seek to ensure that where planning contributions are gained, that they are used effectively in conserving and enhancing the Borough?s heritage assets. It is acknowledged that S106 agreements should be based upon specific impacts of the proposed development. However, the Borough contains a breadth of heritage assets that may be directly or indirectly impacted by proposed developments. For example developments that result in the need for public realm and highway changes may coincide with the location of designated heritage assets such as conservation area and/or listed buildings. These changes could have an impact upon the significance of these assets including their setting. With this in mind we would suggest that the Heads of Terms includes a reference to any appropriate appraisal and/or management plan of any affected heritage assets (i.e. conservation area appraisal and management plans) as a basis in which to demonstrate that the mitigation measures used are appropriate. English Heritage would strongly advise that the Borough?s own conservation staff are closely involved throughout the preparation of the above documents as they are often best placed to advise on: local historic environment issues and priorities, sources of data; and consideration of options relating to the historic environment. 1 WATERHOUSE SQUARE, 138 ? 142 HOLBORN, LONDON, EC1N 2ST Telephone 020 7973 3000 Facsimile 020 7973 3001 www.english-heritage.org.uk Please note that English Heritage operates an access to information policy. Correspondence or information which you send us may therefore become publicly available Finally, we should like to stress that this opinion is based on the information provided by you. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise where we consider that these would have an adverse effect upon the historic environment.

Officers Response

Officers acknowledge the importance of Brent's heritage assets to the historic environment and consider it appropriate to make reference to this in general terms within the s106 SPD. Whilst in some instances it may be appropriate to use a s106 agreement to secure site specific mitigation against the impact of development on the historic environment, it is considered that in many cases it may be more appropriate to secure mitigation by way of a planning condition. It should be noted that the recommended Heads of Terms set out within the SPD are meant only as a guide for developers and are not in anyway meant to be exhaustive.

Comment by Solum Regeneration

Comment ID s1063

Response Date 12/12/11 15:27

Consultation Point SPD s106 Planning Obligations (<u>View</u>)

Status Processed

Submission Type Letter

Version 0.3

Please confirm your general view on the proposed Neutral

SPD on s106 Planning Obligations

Please provide any specific comments on the document in the box below

I write on behalf of my client, Solum Regeneration, which was formed in July 2008 as a partnership between Network Rail and Kier Property to redevelop and regenerate a number of Network Rail owned sites, including Wembley Chiltern Embankments within the London Borough of Brent. Please accept this as Solum Regeneration's representations to the Brent Draft Planning Obligations SPD and the Community Infrastructure Levy (CIL) Draft Charging Schedule consultations. A summary of our representations is:

- 1. Both the Draft Planning Obligations SPD and the Community Infrastructure Levy Draft Charging Schedule necessitate a much more flexible approach in terms of impacts on development viability. They should, therefore, recognise the fact that market conditions may change since the initial viability work was carried out on behalf of the Council and explicitly state that development viability will be taken into consideration when the planning obligations and CIL payments are negotiated.
- 2. This flexible approach is supported by the Government's recent publication "Laying the Foundations: A Housing Strategy for England", which was launched on 21 November by the Prime Minister and is a radical new strategy to reignite the housing market and get the nation building again. Specifically paragraph 30 confirms that:

"The Government will also encourage a flexible approach to planning obligations, to safeguard against substantial and unexpected change in market conditions". I would be pleased to attend a meeting with you to discuss this representation in more detail if that is of assistance.

Comment by Greater London Authority (Jonathan Aubrey)

Comment ID s1069

Response Date 09/12/11 12:06

Consultation Point SPD s106 Planning Obligations (View)

Status Processed

Submission Type Letter

Page 35

Version 0.5

Please confirm your general view on the proposed Neutral SPD on s106 Planning Obligations

Please provide any specific comments on the document in the box below

Brent Council Revised section 106 Supplementary Planning Document (SPD) **Urban design and place making**

Standard Heads of Terms

Wherever possible, on all major developments, and on other developments that would be unacceptable in planning terms without adequate mitigation, the Council will seek to secure measures through s106 agreements that would allow sustainable development to proceed. Whilst it is acknowledged that the Heads of Terms for any s106 agreement should be based on the specific impacts of the proposed development, many proposals raise similar planning issues and therefore the following list has been produced as a guide to those Heads of Terms that are most likely to be included within any s106 agreement:

8.2 planning obligations

London Plan policy 8.2 planning obligations states under the heading planning decisions: C) Development proposals should address strategic as well as local priorities in planning obligations.

GLA believe there is need to include text relating to pooling of contributions for the provision of facilities related to proposed development. It is accepted that these deal with local arising issues, but there is a need to indicate that in some circumstances there are strategic obligations that may arise where section 106 would be part of a pooling of contributions to link development projects.

Point 1

Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.

No comment

Point 2

Prior to a Material Start, inform in writing Brent In2 Work (or any successor) of the projected amount of construction jobs and training spaces. During construction target 1:10 of the projected amount of construction jobs to Brent residents and for every 1:100 jobs provide paid training for a previously unemployed Brent resident or Brent school leaver for a 6 month period.

GLA support this potential obligation

Point 3

Prior to any Occupation, repave the footway adjoining the development to a standard comparable to the rest of the pavement, unless the Council has confirmed in writing this is not required

Needs to be account in certain circumstances that the footway adjoining the development is of poor quality. Should have an agreed benchmark standard and relate to wider pedestrian network quality.

Point 4

Adhere to a 'Permit-Free' scheme whereby occupants of the development would not be entitled to permits for any on street controlled parking zone.

GLA believe all transport related obligations should be grouped together for greater continuity (point 4,5 and 15)

TfL will respond to this point separately.

Point 5

Prior to any occupation, submit for approval and adhere to a Travel Plan, including the provision of further mitigation if the targets within the Travel Plan are not met

TfL will respond to this point separately.

Point 6

Prior to any occupation to submit for approval and adhere to a servicing agreement

GLA agree with the obligation

Point 7

Prior to any occupation provide street tree planting along the public frontage of the site.

Should consider in addition to tree planting including stipulating an appropriate landscape design that fits with the local green space network.

Point 8

Specify the quantity and type of Affordable Housing to be provided on site. Normally Affordable Housing provision will be required on sites which have the capacity to provide 10 or more homes and be defined and delivered at an appropriate level, tenure and unit size mix that contributes towards the wide range of borough household needs. Normally affordable housing provision will be required on?site, but in exceptional circumstances this may be provided off site or through cash inlieu contributions.

policy 3.13 affordable housing

policy 3.8 housing choice

Section 106 should include emphasis on provision of affordable family housing as a strategic priority as set out in policy 3.8 of the London Plan.

London Plan policy 3.13 affordable housing states in paragraph 3.74: cash in lieu contribution ring-fenced and if appropriate ?pooled?

London Plan policy 3.2, Para 3.75 states: In making arrangement for assessing planning obligations, boroughs should consider whether it is appropriate to put in place provisions for reappraising the viability of schemes prior to implementation. To take account of economic uncertainties, and in respect of schemes presently anticipated to deliver low levels of affordable housing, these provisions may be used to ensure that maximum benefit is secured over the period of the development.

Given the current economic situation the inclusion of text relating to this paragraph would be a useful addition to the section 106 SPD.

Point 9

Sustainability? submission and compliance with the Council?s Sustainability check-list ensuring a minimum of 50% score is achieved. Compliance with appropriate Code for Sustainable Homes/

BREEAM, standards in line with current policy. Adherence to the Demolition Protocol, with compensation should it not be delivered.

policy 5.2 minimising carbon dioxide emissions

GLA believe all sustainable energy related obligations should be grouped together for greater continuity (point 9, 10 and 16)

This should relate to London Plan policy 5.2 minimising carbon dioxide emissions for residential and non-domestic buildings which are more stricter and require a greater degree of commitment

This should relate to improvement on 2010 building regulations. For example on residential development for the period of the SPD this should be: 2010-13 improvement of 25% (code for sustainable homes level 4); 2013 ?16 improvement of 40%; 2016 ?2031 there should be zero carbon emissions.

Point 10

An appropriate reduction in the sites carbon emissions through on-site renewable generation, which has no detrimental effect on local Air Quality.

policy 5.2 minimising carbon dioxide emissions

This should relate to London Plan policy 5.2 minimising carbon dioxide emissions and policy 5.3 sustainable design and construction

Major development proposals meet the minimum standards outlined in the Mayor?s supplementary planning guidance on housing.

Point 11

JoinandadheretotheConsiderateContractorsscheme.

GLA agree with the obligation

Point 12

Provide public access through a community agreement should the development include suitable facilities.

GLA agree with the obligation.

TfL will respond to this point separately.

Point 13

Provide affordable employment or retail space within a development

policy 4.9 Small shops

GLA take the view the section 106 guidance would benefit from the inclusion of a bullet point that incorporates London Plan policy 4.9 Small shops relating to planning decisions: (A) In considering proposals for large retail developments, the Mayor will, and Boroughs should, consider imposing conditions or seeking contributions through planning obligations where appropriate, feasible and viable, to provide or support affordable shop units suitable for small or independent retailers and service outlets and/or to strengthen and promote the retail offer, attractiveness and competitiveness of centres (B).

Point 14

Provide, prior to occupation, and maintain a CCTV system.

GLA agree with the obligation

Point 15

Prior to occupation, undertake agreed access and/or highway improvements. If this involves work to the public highway this may need to be subject to an agreement under s278 of the Highways Act 1980.

TfL will respond to this point separately

Point 16

Design in and allow a future connection of the site to any Decentralised Heat / Energy Network (in areas with a proposed DHE Network).

policy 5.2 minimising carbon dioxide emissions

policy 5.3 sustainable design and construction

This should relate to London Plan policy 5.2 minimising carbon dioxide emissions and policy 5.3 sustainable design and construction

Point 17

To provide compensatory measures for any under provision of amenity space, when developments are assessed against the Council's amenity space standards.

GLA agree with the obligation

Omission

London Plan paragraph 4.35 states: taking account of strategic priorities for planning obligations (Policy 8.2), boroughs are encouraged to ensure cultural objectives are addressed in major development proposals.

Omission

Health and social Infrastructure provision linked to development

policy 3.2 Improving Health and Addressing Health Inequalities

London Plan policy 3.2 Improving Health and Addressing Health Inequalities

Has been established so that new development should be supported by necessary health and social infrastructure and planning obligations that are secured to ensure delivery of new facilities and services (policies 3.16, 3.17 and 8.2). This Plan also aims to create opportunities for employment and economic development; improve access to green and open spaces and leisure facilities (including using the planning system to secure new provision); support safe and sustainable transport systems (including walking and cycling); reduce road traffic casualties; improve air quality; reducing noise, increase access to healthy foods; create places for children to play; and ensure there is a good array of local services.

Omission

Student accommodation

policy 3.8 housing choice

London Plan policy 3.8 housing choice encourages student accommodation that is meeting a demonstrable strategic and local need.

Student accommodation should be secured as such by planning agreement or condition relating to the use of the land or to its occupation by members of specified educational institutions. If

accommodation is not robustly secured for students, it will normally be subject to the requirements of London Plan affordable housing policy

It is felt the Section 106 guidance should include specific mention relating to student accommodation given recent discussions relating to development pressures from this type of development.

Omission

health facilities and services and childcare provision

Policy 8.2 planning obligations

Policy 8.2 planning obligations part E) sets out a number of obligations that should be applied although the section 106 SPD addresses most of these it fails to provide them in relation to health facilities and services and childcare provision.

Omission

Cultural objectives

Policy 8.2 planning obligations

London Plan paragraph 4.35 states: taking account of strategic priorities for planning obligations (Policy 8.2), boroughs are encouraged to ensure cultural objectives are addressed in major development proposals.

To ensure consistency and to provide developers with an outline of what is expected in terms of obligations, standard Heads of Terms have been established which will be provided to developers and agreed at the earliest point. The Heads of Terms will form an integral part of any report that may go before a planning committee, establishing the basic points of any agreement.

No comment

Infrastructure

Whilst the infrastructure required to mitigate the impact of new development and support sustainable growth will generally be delivered through the Community Infrastructure Levy (CIL), and other funding sources, it may still be possible to utilise powers under s106 to deliver specific infrastructure where this would be more appropriate. For example, where the development of exceptionally large site, or a small number of large sites within a particular locality, would likely give rise to specific infrastructure requirements, then the Council will consider using s106 agreements to secure infrastructure which would be provided by the site developer(s). Where the Council intends to use s106 powers to provide infrastructure this will be detailed in the CIL Regulation 123 List which will be published on the Council's website.

Should include text in relation to potential pooling of contributions when required from major infrastructure projects.

TfL will respond to this point separately.

Officers Response

Given the restrictions on the pooling of planning obligations, set out under the CIL Regulation 123, it is considered that the use of pooled s106 contributions will be significantly scaled back in the future. This point is already set out in the proposed SPD under the heading "Infrastructure". Point 3 - Officers proposed to amend this point to ensure repaving is undertaken to a benchmark standard to be set by

the Council's highways department. Point 4 - Officers will review the order of the standard Heads of Terms to group together those which are on a related issue. Point 7 - Officers propose to amend this point to include wider landscaping of the public realm. Point 8 - Officers propose to amend the point to emphasise the importance of providing affordable family housing. The point is already made within the SPD that in exceptional circumstances cash in lieu may be accepted and it is proposed to make an amendment to refer to pooling although this will be subject to restrictions set out in CIL Regulations 123. Point 9 - The point seeks to set out the likely sustainability requirements in broad terms. Officers proposed to refer to the current standards and any revisions to these standards in the future. Point 10 - See above Point 13 - Officers agree that reference to relevant policy are important although it is proposed that these should be contained within the policy section of the document. Point 16 - See above Omissions - Policy CP23 of the borough's LDF Core Strategy sets out to protect existing community and cultural facilities, or to mitigate their loss where necessary. It is envisaged that s106 planning obligations will continue to provide an appropriate means of securing site specific compensatory mitigation against any loss of community or cultural facilities. It is envisaged that much of the health and social infrastructure required to support development will be funded through CIL as this would give the Council greater flexibility in terms of delivery. As such it is unlikely that s106 planning obligations will have a significant role in the delivery of such infrastructure in the future. Officer proposed to include a reference to s106 requirements that are likely to be associated with the provision of student accommodation within the standard Heads of Terms.

Comment by Highways Agency (Mr Patrick Blake)

Comment ID s1062

Response Date 08/12/11 10:41

Consultation Point SPD s106 Planning Obligations (<u>View</u>)

Status Processed

Submission Type Email

Version 0.8

Please confirm your general view on the proposed Neutral

SPD on s106 Planning Obligations

Please provide any specific comments on the document in the box below

Thank you for yourletter dated 28October 2011 inviting the Highways Agency (HA)to comment on Brent's Community Levy Preliminary Draft Charging Schedule and Revised Section 106 Supplementary Planning Document (SPD). The HA is an executive agency of the Department for Transport (DfT). We are responsible for operating, maintaining and improving England's Strategic Road Network (SRN) on behalf of the Secretary of State for Transport. The HA will be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN. We would be keen to have early discussions with Brent about any transport interventions that the Community Infrastructure Levy might contribute towards that could impact on the M1.

Officers Response

The representation makes no specific reference to the content of the proposed SPD

Comment byThe Theatres Trust (Ms Rose Freeman)

Comment ID s1061

Response Date 07/12/11 10:00

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Consultation Point SPD s106 Planning Obligations (<u>View</u>)

Status Processed

Submission Type Email

Version 0.8

Please confirm your general view on the proposed Neutral SPD on s106 Planning Obligations

Please provide any specific comments on the document in the box below

Thank you for your letter of 28 October consulting The Theatres Trust on the CIL Preliminary Draft Charging Schedule and Revised S106 SPD. 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. 'Our comments are general and we have noted the inclusion of sui generis uses (theatres) in the table within the consultation letter. 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. As CIL will eventually replace S106 agreements as the main tool for securing contributions for infrastructure we hope that the document will ensure that the loss of any community and cultural facility through redevelopment is satisfactorily compensated through substitution, replacement or regeneration of those facilities, and will ensure that adequate new facilities are provided to mitigate the increased demands on existing facilities and infrastructure which is likely to result from any new developments. Drivers Jonas had advised in February 2010 that ?The change to S106 obligations seek to remove their ability to provide for funding or the provision of infrastructure projects or types of infrastructure. If local authorities want to obtain funding for infrastructure they will have to produce a charging schedule and adopt CIL prior to April 2014, effectively making CIL mandatory.'

Officers Response

Policy CP23 of the borough's LDF Core Strategy sets out to protect existing community and cultural facilities, or to mitigate their loss where necessary. It is envisaged that s106 planning obligations will continue to provide an appropriate means of securing site specific compensatory mitigation against any loss of community or cultural facilities.

Comment by British Waterways (Mrs Claire McClean)

Comment ID s10610

Response Date 06/12/11 10:10

Consultation Point SPD s106 Planning Obligations (<u>View</u>)

Status Processed

Submission Type Email

Version 0.4

Please confirm your general view on the proposed Neutral SPD on s106 Planning Obligations

Please provide any specific comments on the document in the box below

With reference to the revised S106 Obligations SPD, I only have a few queries. Under standard Heads of Terms, one requires development "To provide compensatory measures for any under provision of amenity space, when developments areassessed against the Council's amenity space standards."

Would this therefore be available for towpath/canal environment improvements? Would this work on a site by site basis, or could contributions be pooled towards a larger project?

In the development of the Alperton Masterplan, which we were pleased recognises the existing and potential value of the Grand Union Canal running through it, reference was made to a pooled fund of contributions from the expected development within the area, that could be targeted towards improving the canal environment so that it could better meet the needs and expectations of the new and existing community. This would be far more effective than securing ad hoc contributions from the various developments lining the canal. Could you confirm how this might be achieved, and how the documents out for consultation might address this? British Waterways would be very happy to assist with any supporting information that could help with this.

For your information, British Waterways are to become the Canal & River Trust from April 2012. Our day to day operations, particularly with reference to our planning involvement, will not change, but we hope it will be an exciting change that will secure the future of our waterways and provide more opportunities for volunteering, engagement with our stakeholders and fundraising.

Please let me know if you would like to discuss any of my comments further.

Officers Response

The restrictions on the use and pooling planning contributions that would apply once CIL is adopted by would mean that the Council could only use planning obligations to secure site specific mitigation measures. General improvements to public open space, including the canal side/tow paths, is likely to be funded through CIL in the future although this will be subject to clarification when the Council publishes it's regulation 123 list.

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Community Infrastructure Levy: Viability Study

Prepared for London Borough of Brent

September 2011



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Appendices

Appendix 1 Residential appraisal results Appendix 2 Commercial appraisal results

Contact details:

Anthony Lee, Director – Development Consulting BNP Paribas Real Estate 5 Aldermanbury Square London EC2V 7BP

Tel: 020 7338 4061 Fax: 020 7404 2028

Email: anthony.lee@bnpparibas.com

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1 Executive Summary

1.1 This report tests the ability of a range of development types throughout the London Borough of Brent to yield contributions to infrastructure requirements through a Community Infrastructure Levy ('CIL'). For residential development, due regard has also been given to the Borough's policy requirement that such developments should contribute towards the provision of affordable housing.

Methodology

- 1.2 The study methodology compares the residual land values of a range of generic developments to the sites' current use values, plus a margin to incentivise landowners to release their sites for development. If a development incorporating a given level of CIL generates a higher value than the current use value (plus appropriate landowner's margin), then it can be judged that the proposed level of CIL will be viable.
- 1.3 The study utilises the residual land value method of calculating the value of each development. This method is used by developers when determining how much to bid for land and involves calculating the value of the completed scheme and deducting development costs (construction, fees, finance and CIL) and developer's profit. The residual amount is the sum left after these costs have been deducted from the value of the development, and equates to the amount that a developer would normally pay for the site.
- 1.4 The housing and commercial property markets are inherently cyclical and the Council is testing its proposed rates of CIL at a time when values have fallen slightly below their peak. We have controlled for this factor by running a series of sensitivity analyses which inflate sales values in real terms by 10% and 25% This analysis will enable the Council to determine levels of CIL that might become viable both in today's terms but also whether a system of indexation should be applied to the CIL rates (providing this is permissible within the regulations).

Key findings

- 1.5 The key findings of the study are as follows:
 - The results of this study are reflective of current market conditions, which are likely to improve over the medium term. It is therefore important that the Council keeps the viability situation under review so that levels of CIL can be adjusted to reflect any future improvements. It might be possible to achieve through indexation, using a combination of changes in house prices (as measured by the Land Registry House Price Index) and build costs (as measured by BCIS or other appropriate index).
 - A majority of residential schemes should be able to absorb a CIL rate of up to £300 per sq m, including the Mayoral CIL of £35 per sq m. However, our results indicate that a CIL of this level would prevent some developments at the margins of viability from coming forward. We therefore recommend a lower starting rate of around £200 per sq m, exclusive of the Mayor CIL.
 - Our appraisals indicate that student housing schemes could comfortably accommodate a CIL of around £300 per sq metre (exclusive of the Mayoral CIL).
 - Hotel developments could accommodate a CIL of up to a maximum of £320 per sq metre. We would suggest a starting rate of £200 per sq metre to allow a buffer and for the Mayoral CIL.



- Office developments range in value, with rents typically between £21 per sq ft (or £215 per sq m) to £22 per sq ft (£269 per sq m). Our appraisals indicate that a CIL of up to £147 per sq m could be levied based on the upper end of the rental range, but this would result in many office developments that attract lower rents from coming forward. Given that there are no other significant planning obligations that could be 'flexed' to absorb viability issues on lower value schemes, we recommend that the Council sets a CIL for offices at the lower end of the range. This would suggest a maximum CIL of around £40 per sq m, exclusive of the Mayoral CIL after allowing a margin to absorb site specific viability issues.
- Values generated by **Retail developments** vary between high street and small retail developments and retail parks, with the latter attracting higher rents and generating higher capital values. At the lower end of the range, our results indicate that a maximum CIL of £83 per sq m could be achieved. However, schemes with slightly higher rents could absorb a CIL of £138 per sq m. Balancing the two ends of the range and considering the risk to lower value schemes of a higher rate, a CIL of £80 plus Mayoral CIL appears reasonable and should have a limited impact on viability.
- D1 uses often do not generate sufficient income streams to cover their costs. Consequently, they require some form of subsidy to operate. This type of facility is very unlikely to be built by the private sector. We therefore suggest that a nil rate of CIL be set for D1 uses. In contrast, D2 uses (excluding public swimming pools) frequently generate positive land values and a model CIL of £5 exclusive of the Mayor CIL could be secured.
- Our appraisals of developments of industrial and warehousing floorspace (including use classes B1b & c, B2 and B8) indicate that these uses are unlikely to generate positive residual land values. Even when positive land values are achieved, they fall short of existing use values. We recommend that zero rates are set for these use classes, although it is unlikely that development would come forward in any case.

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2 Introduction

- 2.1 This study has been commissioned to provide an evidence base to inform London Borough of Brent's CIL draft Charging Schedule, as required by Regulation 14 of the CIL Regulations April 2010 (as amended). The aims of the study are summarised as follows:
 - a to test the impact upon the economics of residential development of a range of levels of CIL;
 - b to test the ability of commercial schemes to make a contribution towards infrastructure; and
 - c for residential schemes, to test CIL alongside the Council's pre-existing requirements for affordable housing, which were previously tested by BNP Paribas Real Estate¹.
- 2.2 In terms of methodology, we adopted standard residual valuation approaches to make appropriate comparisons and evaluations. However, due to the extent and range of financial variables involved in residual valuations, they can only ever serve as a guide. Individual site characteristics (which are unique), mean that blanket requirements and conclusions must always be tempered by a level of flexibility in application of policy requirements on a site by site basis. It is therefore essential that levels of CIL allow a sufficient margin to allow for these variations.

Policy Context

2.3 The Policy Context

The CIL regulations state that in setting a charge, local authorities must aim to strike "an appropriate balance" between revenue maximisation on the one hand and the potentially adverse impact upon the viability of development on the other. The regulations also state that local authorities should take account of other sources of available funding for infrastructure when setting CIL rates. This report deals with viability only and does not consider other sources of funding (this is considered elsewhere within the Council's evidence base).

Local authorities must consult relevant stakeholders on the nature and amount of any proposed CIL. Following consultation, a charging schedule must be submitted for independent examination.

The regulations allow a number of exemptions from CIL. Firstly, affordable housing and buildings with other charitable uses (if controlled by a charity) are subject to relief. Secondly, local authorities may, if they chose, elect to offer an exemption on proven viability grounds. The exemption would be available for 12 months, after which time viability of the scheme concerned would need to be reviewed. To be eligible for exemption, regulation 55 states that the Applicant must enter into a Section 106 agreement (and the costs of complying with the agreement must exceed the amount of CIL that would have been payable); and that the Authority must be satisfied that granting relief would not constitute state aid.

The CIL regulations enable local authorities to set differential rates for different zones within which development would take place and also for different types of development.

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¹ London Borough of Brent: Affordability Housing Viability Study (September 2009)

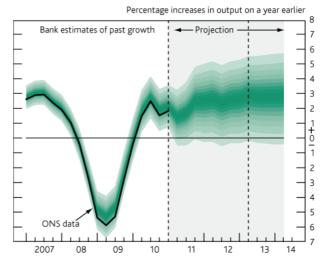


The 2010 regulations set out clear timescales for payment of CIL, which varied according to the size of the payment, which by implication is linked to the size of the scheme. The 2011 amendments to the regulations allow local authorities to set their own timescales for the payment of CIL if they chose to do so. This is an important issue that the Council will need to consider, as the timing of payment of CIL can have an impact on an Applicant's cashflow (the earlier the payment of CIL, the more interest the Applicant will bear before the development is completed and sold).

Several local authorities have undertaken viability assessments and have drafted a CIL charging schedule, which they have submitted for independent examination. To date, no authority has yet completed this process and adopted a charging schedule, although Newark and Sherwood Council, Shropshire Council and Redbridge Borough Council have received their Inspector's reports and are due to adopt CIL imminently.

Economic and housing market context

- 2.4 The historic highs achieved in the UK housing market by mid 2007 followed a prolonged period of real house price growth. However, a period of 'readjustment' began in the second half of 2007, triggered initially by rising interest rates and the emergence of the US sub prime lending problems in the last quarter of 2007. The subsequent reduction in inter-bank lending led to a general "credit crunch" including a tightening of mortgage availability. The real crisis of confidence, however, followed the collapse of Lehman Brothers in September 2008, which forced the government and the Bank of England to intervene in the market to relieve a liquidity crisis.
- 2.5 The combination of successive shocks to consumer confidence and the difficulties in obtaining finance led to a sharp reduction in transactions and a significant correction in house prices in the UK, which fell to a level some 21% lower than at their peak in August 2007 according to the Halifax House Price Index. Consequently, residential land values fell by some 50% from peak levels. One element of government intervention involved successive interest rate cuts and as the cost of servicing many people's mortgages is linked to the base rate, this financial burden has progressively eased for those still in employment. This, together with a return to economic growth early 2010 (see May 2011 Bank of England GDP fan chart below, showing the range of the Bank's predictions for GDP growth to 2014) has meant that consumer confidence has started to improve to some extent.



Source: Bank of England

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- 2.6 Throughout the first half of 2010 there were some tentative indications that improved consumer confidence was feeding through into more positive interest from potential house purchasers. Against the background of a much reduced supply of new housing, this would lead one to expect some recovery in prices. However it is evident that this brief resurgence has abated, with the Nationwide and Halifax House Price Indices showing annual house price falls of 0.1% and 2.8% retrospectively in February 2011.
- 2.7 The balance of opinion is that house prices will remain flat in the short term, with continuing high levels of unemployment likely to result in increased repossessions and increased supply of homes into the market. At the same time, demand is expected to remain subdued, due to the continuing difficulties consumers face in securing mortgages.



House price and sales volume - Brent London borough

Source: Land Registry

- 2.8 According to Land Registry data, residential sales values in Brent have recovered since the lowest point in the cycle in August 2009. Prices have increased by 19.4% between August 2009 and July 2011 and are now just 1% below their March 2008 peak level.
- 2.9 The future trajectory of house prices is currently uncertain, although Savills' current prediction is that values are expected to increase over the next five years. Medium term predictions are that properties in mainstream markets (i.e. non-prime) will return to growth in 2012. For example, Savills Research² predicts that non-prime values in London will fall by 1% in 2011, but increase by 6% in 2012, 8% in 2013, 7.5% in 2014 and 6% in 2015. This equates to cumulative growth of 29.1% between 2011-2015 inclusive.
- 2.10 After the adoption of the CIL charging schedule, the Council could explore the possibility of indexing the levels of CIL or undertake a review after a period of time to reflect any future improvements in market conditions.

Local Policy context

2.11 The Council has calculated its infrastructure requirements, indicating a requirement for funding of circa £286.84 million over the next 15 years³. After sources of anticipated funding have been deducted, the Council estimates a funding gap of £27.88 million to be funded from other sources. The Council

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² Savills Research: Residential Property Focus, May 2011

³ Brent Infrastructure and Investment Framework 13 May 2009



- recognises that CIL may not fund this full amount and other sources of funding might need to be identified.
- 2.12 In addition to financing infrastructure, the Council expects residential developments to provide a mix of affordable housing tenures, sizes and types to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities. The precise number, tenure, size and type of affordable units will be negotiated to reflect identified needs and economic viability, having regard to Core Strategy Policy CP2 that sets a strategic Borough-wide 50% affordable housing target. In circumstances where site specific or market factors affect scheme viability, developers will be expected to provide viability assessments to demonstrate an alternative affordable housing provision.

Development context

2.13 Sites in the Borough are developed with a range of styles and densities, reflecting the types of land available and public transport accessibility (which varies between different parts of the Borough). Development sites in the Borough range from existing retail; offices; redevelopment of existing residential; and major regeneration sites. Over the past decade, development proposals in the Borough have increased in density, with the densest schemes located in areas with high levels of public transport accessibility.

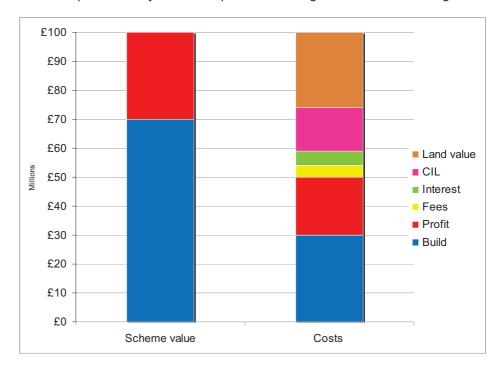


3 Methodology

3.1 Our methodology follows standard development appraisal conventions, using assumptions that reflect local market and planning policy circumstances. The study is therefore specific to Brent and reflects the policy requirements set out in the Core Strategy.

Approach to testing development viability

3.2 Appraisal models can be summarised via the following diagram. The total scheme value is calculated, as represented by the left hand bar. This includes the sales receipts from the private housing and the payment from a Registered Social Landlord ('RSL') for the affordable housing units. The model then deducts the build costs, fees, interest, CIL (at varying levels) and developer's profit. A 'residual' amount is left after all these costs are deducted – this is the land value that the Developer would pay to the landowner. The residual land value is represented by the brown portion of the right hand bar in the diagram.



- 3.3 The Residual Land Value is normally a key variable in determining whether a scheme will proceed. If a proposal generates sufficient positive land value (in excess of existing use value), it will be implemented. If not, the proposal will not go ahead, unless there are alternative funding sources to bridge the 'gap'.
- 3.4 When running a development appraisal, it is necessary to identify the key variables sales values, costs etc with some degree of accuracy in advance of implementation of a scheme. Even on the basis of the standard convention that current values and costs are adopted (not values and costs on completion), this can be very difficult. Problems with key appraisal variables can be summarised as follows:
 - development costs are subject to national and local monitoring and can be reasonably accurately assessed in 'normal' circumstances. In boroughs like Croydon, many sites will be previously developed. These sites can sometimes encounter 'exceptional' costs such as decontamination. Such costs can be very difficult to anticipate before detailed site surveys are undertaken;



- development value and costs will also be significantly affected by assumptions about the nature and type of affordable housing provision and other Planning Obligations. In addition, on major projects, assumptions about development phasing; and infrastructure required to facilitate each phase of the development will affect residual values. Where the delivery of the obligations are deferred, the less the real cost to the applicant (and the greater the scope for increased affordable housing and other planning obligations). This is because the interest cost is reduced if the costs are incurred later in the development cashflow; and
- while Developer's Profit has to be assumed in any appraisal, its level is closely correlated with risk. The greater the risk, the higher the profit level required by lenders. While profit levels were typically up to around 15% of completed development value at the peak of the market in 2007, banks now require schemes to show a higher profit to reflect the current risk. We do not know when and if profit levels may begin to fall back.
- 3.5 Ultimately, the landowner will make a decision on implementing a project on the basis of return and the potential for market change, and whether alternative developments might yield a higher value. The landowner's 'bottom line' will be achieving a residual land value that sufficiently exceeds 'existing use value' or other appropriate benchmark to make development worthwhile. Margins above EUV may be considerably different on individual sites, where there might be particular reasons why the premium to the landowner should be lower or higher than other sites.
- 3.6 Developers will seek to mitigate the impact of 'unknown' development issues through the following strategies:
 - When negotiating with the landowner, the developer will either attempt to reflect planning requirements in the offer for the land, or seek to negotiate an option, or complete a deal 'subject to planning' which will enable any additional unknown costs to be passed on to the landowner. It should be noted that such arrangements are not always possible. Ultimately, the landowner meets the cost through reduced land value, providing the basic condition for Residual Land Value to exceed existing use value (plus landowners' margin) or other appropriate benchmark is met; and/or,
 - The developer will seek to build in sufficient tolerance into the development appraisal to offset risks including, for example, design development where costs might be incurred to satisfy planning and design requirements etc. It would also be normal to have a contingency allowance which would generally equate to 2% to 5% of build costs.
 - The extent to which developers can successfully mitigate against all risks depends largely on the degree to which developers have to compete to purchase sites. In a competitive land market, the developer who is prepared to build in less contingency to mitigate against planning and development risks is likely to offer the winning bid.
- 3.7 Clearly, however, landowners have expectations of the value of their land which often exceed the value of the existing use. CIL will be a cost to the scheme and will impact on the residual land value. Ultimately, if landowners' expectations are not met, they will not voluntarily sell their land and (unless a Local Authority is prepared to use its compulsory purchase powers) some may simply hold on to their sites, in the hope that policy may change at some future point with reduced requirements. It is within the scope of those expectations that developers have to formulate their offers for sites. The task of formulating an offer for a site is complicated further still during buoyant land markets, where developers have to compete with other developers to secure a site, often speculating on continued rises in value.

Viability benchmark

- 3.8 The CIL Regulations provide no specific guidance on how local authorities should test the viability of their proposed charges. However, there is a range of good practice generated by both the Homes and Communities Agency and appeal decisions that assist in guiding planning authorities on how they should approach viability testing for planning policy purposes.
- 3.9 In 2009, the Homes and Communities Agency published a good practice guidance manual 'Investment and Planning Obligations: Responding to the Downturn'. This defines viability as follows: "a viable development will support a residual land value at level sufficiently above the site's existing use value (EUV) or alternative use value (AUV) to support a land acquisition price acceptable to the landowner".
- 3.10 A number of planning appeal decisions provide guidance on the extent to which the residual land value should exceed existing use value to be considered viable:

Barnet & Chase Farm: APP/Q5300/A/07/2043798/NWF

"the appropriate test is that the value generated by the scheme should exceed the value of the site in its current use. The logic is that, if the converse were the case, then sites would not come forward for development"

Bath Road, Bristol: APP/P0119/A/08/2069226

"The difference between the RLV and the existing site value provides a basis for ascertaining the viability of contributing towards affordable housing."

Beckenham: APP/G5180/A/08/2084559

"without an affordable housing contribution, the scheme will only yield less than 12% above the existing use value, 8% below the generally accepted margin necessary to induce such development to proceed."

Oxford Street, Woodstock: APP/D3125/A/09/2104658

"The main parties' valuations of the current existing value of the land are not dissimilar but the Appellant has sought to add a 10% premium. Though the site is owned by the Appellants it must be assumed, for valuation purposes, that the land is being acquired now. It is unreasonable to assume that an existing owner and user of the land would not require a premium over the actual value of the land to offset inconvenience and assist with relocation. The Appellants addition of the 10% premium is not unreasonable in these circumstances."

- 3.11 It is clear from the planning appeal decisions above and HCA good practice publication that the most appropriate test of viability for planning policy purposes is to consider the residual value of schemes compared to the existing use value plus a premium. As discussed later in this report, our study adopts a premium above EUV as a viability benchmark.
- 3.12 It is important to stress that there is no single threshold land value at which land will come forward for development. The decision to bring land forward will depend on the type of owner and, in particular, whether the owner occupies the site or holds it as an asset; the strength of demand for the site's current use in comparison to others; how offers received compare to the owner's perception of the value of the site, which in turn is influenced by prices achieved by other sites. Given the lack of a single threshold land value, it is difficult for policy makers to determine the minimum land value that sites should achieve.



4 The Appraisal Exercise

Residential development

4.1 We have appraised a series of generic developments, reflecting both the range of sales values and also densities of development across the borough. This is similar to the approach adopted in the *Affordable Housing Viability Study* which was examined and found sound by the Inspector during 2010.

Overview of key residential appraisal variables

- 4.2 The key variables in any residential development appraisal are as follows:
- 4.3 **Sales values:** Sales values will vary between local authority areas (and within local authority areas) and are constantly changing. Developers will try to complete schemes in a rising or stable market, but movements in sales values are a development 'risk'. During times of falling house prices, local authorities may need to apply their policy requirements flexibly, or developers may cease bringing sites forward.
- 4.4 **Density:** Density is an important determinant of development value. Higher density development results in a higher quantum of units than a lower density development on the same site, resulting in an increase in gross development value. However, high density development often results in higher development costs, as a result of the need to develop taller buildings, which are more expensive to build than lower rise buildings and the need to often provide basements for car parking and plant. It should therefore not *automatically* be assumed that higher density development results in higher residual land values; while the gross development value of such schemes may be higher, this can be partially offset by increased build costs.
- 4.5 **Gross to net floor space:** The gross to net ratio measures the ratio of saleable space (ie the area inside residential units) compared to the total area of the building (ie including the communal spaces, such as entrance lobbies and stair and lift cores). The higher the density, the lower the gross to net floor space ratio; in taller flatted schemes, more floor space is taken up by common areas and stair and lift cores, and thus less space is available for renting or sale.
- 4.6 **Base construction costs:** While base construction costs will be affected by density and may be affected by other factors, such as flood risk, ground conditions etc., they are well documented and can be reasonably accurately determined in advance by the developer.
- 4.7 **Exceptional costs:** Exceptional costs can be an issue for development viability on previously developed land. Exceptional costs relate to works that are 'atypical', such as remediation of sites in former industrial use and that are over and above standard build costs. However, for the purposes of this exercise, it is not possible to provide a reliable estimate of what exceptional costs would be, as they will differ significantly from site to site. Our analysis therefore excludes exceptional costs, as to apply a blanket allowance would generate misleading results. An 'average' level of costs for decontamination, flood risk mitigation and other 'abnormal' costs is already reflected in BCIS data, as such costs are frequently encountered on sites that form the basis of the BCIS data sample.
- 4.8 **Developer's Profit:** Following standard practice, developer profits are based on an assumed percentage of gross development value. While developer profit ranged from 15% to 17% of private housing gross development value in 2007 (and 6% on the affordable housing), banks currently require a scheme to show higher profits. Higher profits reflect levels of perceived and actual risk. The



higher the potential risk, the higher the profit margin in order to offset those risks. At the current time, development risk is high. This is unlikely to change in the first few years after the adoption of the Charging Schedule but should be kept under review thereafter. If conditions improve, it is possible (but by no means guaranteed) that banks will relax their lending criteria and reduce the amount of profit they require schemes to achieve.

Commercial development

4.9 We have appraised a series of generic commercial developments, reflecting a range of use classes at average rent levels achieved on lettings of commercial space in actual developments. The Council has also requested that we consider the provision of 'affordable workspace', ie commercial floorspace that is let at sub-market rents and controlled as such through a planning obligation. Reductions in rents will reduce the capital value of such schemes, limiting their capacity to make contributions to CIL.

Existing Use Values

- 4.10 Existing Use Value ("EUV") Alternative Use Value ("AUV") and acquisition costs are key considerations in the assessment of development economics. Clearly, there is a point where the Residual Land Value (what the landowner receives from a developer) that results from a scheme may be less than the land's existing use value. Existing use values can vary significantly, depending on the demand for the type of building relative to other areas. Similarly, subject to planning permission, the potential development site may be capable of being used in different ways as a hotel rather than residential for example; or at least a different mix of uses. EUV / AUV is effectively a 'bottom line' in a financial sense and a therefore a key factor in this study.
- 4.11 We have arrived at a broad judgement on the likely range of existing use values, having regard to the existing use values provided in the Affordable Housing Viability Study. In each case, the calculations assume that the landowner has made a judgement that the current use does not yield an optimum use of the site; for example, it has many fewer storeys than neighbouring buildings; or there is a general lack of demand for the type of space, resulting in low rentals, high yields and high vacancies (or in some cases no occupation at all over a lengthy period). We would not expect a building which makes optimum use of a site and that is attracting a reasonable rent to come forward for development, as residual value may not exceed existing use value in these circumstances.
- 4.12 In considering the value of sites in existing commercial use, it is necessary to understand the concept of 'yields'. Yields form the basis of the calculation of a building's capital value, based on the net rental income that it generates. Yields are used to calculate the capital value of any building type which is rented, including both commercial and residential uses. Yields are used to calculate the number of times that the annual rental income will be multiplied to arrive at a capital value. Yields reflect the confidence of a potential purchaser of a building in the income stream (i.e. the rent) that the occupant will pay. They also reflect the quality of the building and its location, as well as general demand for property of that type. The lower the covenant strength of the occupier (or potential occupiers if the building is currently vacant), and the poorer the location of the building, the greater the risk that the tenant may not pay the rent. If this risk is perceived as being high, the yield will be high, resulting in a lower number of years rent purchased (i.e. a lower capital value).
- 4.13 Over the past four years, yields for commercial property have 'moved out' (i.e. increased), signalling lower confidence in the ability of existing tenants to pay their rent and in future demand for commercial space. This has the effect of



depressing the capital value of commercial space. However, as the economy recovers, we would expect yields to improve (i.e. decrease), which will result in increased capital values. Consequently, EUVs might increase, increasing the base value of sites that might come forward, which may have implications for the amounts of CIL that developments can yield.

- 4.14 Redevelopment proposals that generate residual land values below EUV plus an appropriate margin to the landowner are unlikely to be delivered. While any such thresholds are only a guide in 'normal' development circumstances, it does not imply that individual landowners, in particular financial circumstances, will not bring sites forward at a lower return or indeed require a higher return. It is simply indicative. If proven existing use value justifies a higher EUV than those assumed, then appropriate adjustments may be necessary. Similarly, the margin above EUV that individual landowners may require will inevitably vary. As such, Existing Use Values should be regarded as benchmarks rather than definitive fixed variables on a site by site basis.
- 4.15 The EUVs used in this study therefore give a broad indication of likely land values across the Borough, but it is important to recognise that other site uses and values may exist on the ground. There can never be a single threshold land value at which we can say definitively that land will come forward for development.

Specific Modelling Variables

4.16 This section summarises the individual assumptions used in the appraisals. These assumptions are consistent with the variables adopted in the Council's Affordable Housing Viability Study, wherever appropriate (and updated to reflect current conditions). This ensures that the Council's affordable housing and CIL requirements have been tested on a consistent basis.

Residential sales values

- 4.17 Residential values in the Borough reflect national trends in recent years but do of course vary across the Borough. We have examined comparable evidence of transacted properties in the Borough, which indicates that sales values range from £3,856 per sq m (£358 per sq ft) to £7,070 per sq m (£657 per sq ft).
- 4.18 As noted earlier in the report, Savills predict that sales values will increase over the medium term. We have therefore widened the range of values included in our appraisals to reflect the prospects of real growth of 10% and 25%.

Commercial rents and yields

4.19 Our research on lettings of commercial floorspace indicates a range of rents achieved, as summarised in table 4.19.1. This table also includes our assumptions on appropriate yields to arrive at a capital value of the commercial space.

Table 4.19.1: Commercial rents and yields

Commercial use	Rent (£s per sq ft)	Yield	
Office	£21 - £22	7%	
Industrial	£7.50	9%	
Light industrial	£10 - £11	9%	
Warehouse	£9.50	9%	
Retail (High Street)	£20 - £23	6.75%	
Retail Park	£25	6.75%	

4.20 For each commercial use type, we have assumed that the site currently accommodates the same use class and the development involves intensification of that use. We have assumed lower rents and higher yields for existing space than the planned new floorspace, to reflect the lower quality and lower demand for second hand space, as well as the poorer covenant strength of the likely occupier of second hand space. A modest refurbishment cost of £50 per sq ft is allowed to reflect costs that would be incurred to secure a letting. A 20% landowner premium is added to the resulting existing use value as an incentive for the site to come forward for development.

Residential density and mix

4.21 We have run appraisals using the range of densities that are typically encountered in the Borough. Densities are assumed to range from 100 units per hectare – a modest inner urban density – to 450 units per hectare – a high central urban density.

A consistent unit mix has been adopted for both private and affordable tenures, as follows. The mix reflects the Core Strategy requirement that 25% of the units be provided with three or more bedrooms.

One bed: 35%Two bed: 40%Three bed: 25%

Gross to Net Floor space

- 4.22 The higher the density, the greater the loss of net lettable/ saleable space. This is because flatted schemes require common areas and stair cores, whereas houses provide 100% 'saleable space'. In our model, as a greater quantum of flats is incorporated into the hypothetical development, the build costs increase, to reflect the cost of building the communal space in the blocks of flats.
- 4.23 In our model, we have adopted a gross to net ratio for flats of 85%. This reflects a high volume of schemes that BNP Paribas Real Estate has valued or appraised on behalf of developers, banks and local authorities. The gross to net ratio is reflected in the build cost when measured on the total saleable area (i.e. the area that excludes common areas). For example, if a building is comprised of 10 flats each with a net internal area (i.e. the floorspace inside the flat itself) of 100 square metres, the total net area of the building is 1,000 square metres. However, when the entrance lobbies, corridors and stair cores are taken into account, the total floor area (what is known as the gross internal area) is 1,200 square metres. The net area is 83% of the gross area. If the build cost is £1,500 per square metre, this equates to £1,800 per square metre



per net square metre. This is an important distinction when considering whether a build cost is reasonable – the unit of measurement (i.e. gross or net) needs to be consistent.

Base Construction Costs

Residential build costs

- 4.24 The modelling exercise plots a range of base construction costs reflecting density considerations ranging from £1,561 per square metre to £2,852 per square metre (net), incorporating the costs of meeting Lifetime Homes requirements, but excluding infrastructure costs. These costs are drawn from the RICS Building Cost Information Service (BCIS). The costs could increase further should 'exceptional costs' arise, that is the variety of above average costs which include contamination and remediation. As a result, costs need to be treated with caution and where exceeded, will inevitably affect the capacity of schemes to carry obligations and affordable housing.
- Our base construction costs assume that housing is provided to Code for Sustainable Homes level 4 and an additional allowance averaging £6,800 per unit has been added to achieve level 4. This reflects the findings of Cyril Sweet's 2008 study⁴ (published by CLG) on the cost of achieving the various CSH levels. Our assumptions therefore reflect these future requirements. The cost of moving to level 5 or 6 is currently prohibitive and technological solutions are required to bring costs down. The current timescale for moving to Code for Sustainable Homes levels 5 and 6 is uncertain. The Inspector's report on the Newark and Sherwood CIL Charging Schedule indicates that CIL viability should be based on current requirements only.
- 4.26 It is important to note that build costs could increase further should additional 'exceptional costs' arise. As a result, costs need to be treated with caution and where normal levels are exceeded, the capacity of the site concerned to meet the Council's requirements for CIL and affordable housing will be affected. However, with many sites coming forward on previously developed sites, the build costs (which are based on BCIS tender price data) includes an 'average' cost for decontamination and site clearance, with some sites in the sample including such costs.

Commercial build costs

4.27 We have relied upon BCIS data for commercial build costs. BCIS reports that the mean average build cost for retail space as at the 3rd quarter of 2011 is £1,033 per sq m; £758 for industrial floorspace; and £1,305 per sq m for office floorspace.

Developer's profit

4.28 Developer's profit is closely correlated with the perceived risk of residential development. The greater the risk, the greater the required profit level, which helps to mitigate against the risk, but also to ensure that the potential rewards are sufficiently attractive for a bank and other equity providers to fund a scheme. In 2007, profit levels were at around 15-17% of Gross Development Value. However, following the impact of the credit crunch and the collapse in interbank lending and the various government bailouts of the banking sector, profit margins have increased. It is important to emphasise that the level of minimum profit is not necessarily determined by developers (although they will have their own view and the Boards of the major housebuilders will set targets

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⁴ Communities and Local Government 'Cost Analysis of the Code for Sustainable Homes, 2008'



for minimum profit).

- 4.29 The views of the banks which fund development are more important; if the banks decline an application by a developer to borrow to fund a development, it is very unlikely to proceed, as developers rarely carry sufficient cash to fund it themselves. Consequently, future movements in profit levels will largely be determined by the attitudes of the banks towards development proposals.
- 4.30 The near collapse of the global banking system in the final quarter of 2008 is resulting in a much tighter regulatory system, with UK banks having to take a much more cautious approach to all lending. In this context, the banks may not allow profit levels to decrease much lower than their current level, if at all.
- 4.31 The minimum generally acceptable profit level is currently around 20% of private housing GDV. Our assumed return on the affordable housing GDV is 6%. A lower return on the affordable housing is appropriate as there is very limited sales risk on these units for the developer; there is often a pre-sale of the units to an RSL prior to commencement. Any risk associated with take up of intermediate housing is borne by the acquiring RSL, not by the developer. A reduced profit level on the affordable housing reflects the Homes and Communities Agency's guidelines in its Economic Appraisal Tool.

Affordable housing tenure and values

4.32 The Council's policy position is 70% rented housing and 30% shared ownership. The Affordable Rent tenure is accepted, subject to the RSL setting rent levels that are accessible to households in receipt of Housing Benefit. This requirement caps the rent levels, particularly for larger units, at the following percentages of market rent:

One bed unit: 80%;Two bed unit: 70%;

■ Three bed unit: 60%; and

Four bed unit: 50%.

- 4.33 We have calculated the value of the Affordable Rent units housing by capitalising the net rents (inclusive of service charges), before deductions for management and maintenance, having regard to financing arrangements of Registered Social Landlords. This exercise results in a blended rate of £2,411 per square metre (£224 per sq ft).
- 4.34 As intermediate housing is linked to market values, the values will be determined in part by varying market values. The values adopted for this tenure are based on the assumption that 50% of the equity is sold to the occupier and the RSL charges a rent of 2.75% on the retained equity. This is a cautious approach as the price paid will in reality move with the market changes and also RSL ability to fund acquisitions and their business plan assumptions.
- 4.35 The CLG/HCA '2011-2015 Affordable Homes Programme Framework' (February 2011) document clearly states that RSLs will not receive grant funding for any affordable housing provided through planning obligations. Consequently, all our appraisals assume nil grant.



Other Influential Factors

- 4.36 Variability of landowner attitudes: Land markets need time to adapt to changing policy circumstances and landowners may have the choice to hold sites back and hope that policies change. Up until the recent housing market recession, a more common circumstance in areas of sharp price inflation has been fierce competition between developers. This resulted in some developers buying sites without consent on the expectation that rising capital values would offset risk. When the market turns, these developers find that they are unable to implement their schemes and cannot afford their infrastructure and affordable housing obligations.
- 4.37 Site specific circumstances may arise where the authority is obliged to weigh up perhaps conflicting policy requirements. On sites with an extensive requirement for decontamination (ie above average levels), not all the Council's planning requirements may be affordable. For example, an employment protection policy may require commercial space to be provided in a predominantly residential scheme. The commercial space is likely to have a negative or low value, which requires a cross subsidy from the private housing. This is likely to reduce the amount of subsidy available to provide CIL and affordable housing.

Net additional floorspace calculations

4.38 The Council has supplied details of all completed schemes over the past two years. We have analysed the amount of existing and new floorspace to calculate an average rate of net additional floorspace across all developments. This analysis indicates that existing floorspace equates to 33% of planned replacement space. This net additional floorspace calculation is used to consider appropriate levels of CIL in the next section.



5 Appraisal outputs

Residential appraisals

- 5.1 The full outputs from our appraisals of residential development are attached as Appendix 1. For each development scenario, we have tested the following levels of affordable housing (all assumed to be 70% rented and 30% Shared Ownership, in line with the Core Strategy):
 - 10% affordable housing;
 - 20% affordable housing;
 - 30% affordable housing;
 - 40% affordable housing; and
 - 50% affordable housing;
- 5.2 For each affordable housing level, we have tested the rented housing with social rents and with 'affordable rents' at the following percentages of market rent:

One bed flats: 80%;

■ Two bed flats: 70%;

■ Three bed flats: 60%; and

■ Four bed flats: 50%.

5.3 The residual land values from each of the scenarios above are then compared to four existing use value benchmarks to determine whether the imposition of CIL would have an impact on development viability. In some cases, the equation RLV less EUV (including landowner premium) results in a negative number, so the development would not proceed, whether or not CIL was imposed. We therefore focus on situations where the RLV is greater than EUV and where (all other things being equal) the development would proceed. In these situations, CIL has the potential to 'tip the balance' of viability into a negative position. We return to this point later in this report.

Commercial appraisals

5.4 Our research on rents achieved on commercial lettings indicates a range of rents within each main use class. Our commercial appraisals therefore model the whole range of rents and capital values to test the impact the different rent levels have on viability and the ability of commercial schemes to contribute towards CIL. For each use class tested (B1, B2/B8 and retail), we have run four appraisals of a quantum of floorspace, each with rent levels reflecting the range identified by our research.

Presentation of data

Residential appraisals results

5.5 For each affordable housing percentage, there are 112 appraisals of generic developments, each on a hectare of land, using a range of sales values and development densities. Each set of appraisals is compared to four EUV benchmarks.



5.6 The existing use value benchmark (including a landowner premium of 20%) is then deducted from each residual land value to determine whether or not, in each of the specific circumstances, the imposition of CIL at varying levels would impact on scheme viability. A sample table, corresponding to the residual land values above, is provided below.

Density -								
units/ha ->	100 uph	150 uph	200 uph	250 uph	300 uph	350 uph	400 uph	450 uph
		•						
Build costs ->	£1561 per sqm	£1615 per sqm	£1722 per sqm	£1938 per sqm	£2153 per sqm	£2260 per sqm	£2314 per sqm	£2368 per sqn
Sales value								
per sm								
£3,875	1,532,412	1,808,313	1,103,605	- 1,904,204	- 6,265,633	- 9,631,915	- 12,334,765	- 15,369,331
£4,198	2,326,309	3,005,864	2,708,524	116,958	- 3,821,232	- 6,780,114	- 9,075,563	- 11,702,729
£4,521	3,119,591	4,195,788	4,304,787	2,123,105	- 1,376,831	- 3,928,313	- 5,816,363	- 8,036,128
£4,844	3,912,873	5,385,711	5,891,352	4,129,253	1,032,667	- 1,083,310	- 2,557,162	- 4,369,527
£5,167	4,699,759	6,566,040	7,465,124	6,107,414	3,420,571	1,702,578	638,324	- 752,798
£5,490	5,312,233	7,484,751	8,690,071	7,638,599	5,277,433	3,868,917	3,114,141	2,032,495
£5,920	6,128,864	8,709,698	10,323,334	9,680,177	7,747,424	6,757,370	6,415,229	5,746,219
£6,458	7,149,654	10,240,883	12,364,913	12,232,150	10,809,792	10,354,630	10,541,590	10,388,374
£6,997	8,170,443	11,772,066	14,406,492	14,784,125	13,872,161	13,927,393	14,627,425	15,005,057
£7,535	9,191,233	13,303,251	16,448,071	17,336,098	16,934,529	17,500,156	18,710,583	19,598,610
£8,073	10,212,022	14,834,434	18,489,650	19,888,071	19,996,897	21,072,919	22,793,740	24,192,163
£8,611	11,232,812	16,365,619	20,531,229	22,440,046	23,059,265	24,645,682	26,876,898	28,785,714
£9,149	12,253,601	17,896,803	22,572,808	24,992,019	26,121,633	28,218,445	30,960,056	33,379,267
£9.688	13.274.391	19.427.987	24.614.387	27.543.992	29.184.002	31.791.208	35.043.214	37.972.820

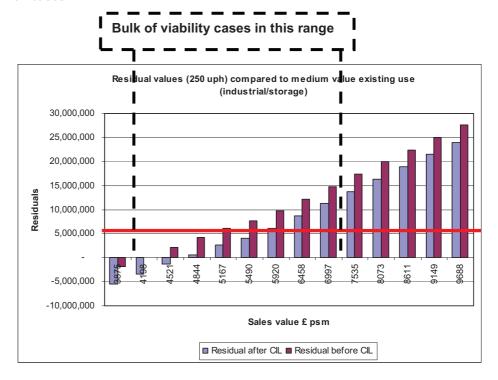
RLVs less existing use value £4,843,800 per hectare Industrial/Storage/Distribution £1,961,053 per acre

Density -									
units/ha ->	100 uph	150 uph	200 uph	250 uph	300 uph	350 uph	400 uph	450 uph	
Build costs ->	£1561 per sqm	£1615 per sqm	£1722 per sqm	£1938 per sqm	£2153 per sqm	£2260 per sqm	£2314 per sqm	£2368 per sqm	
Sales value									Sales value
per sq m									per sq m
£3,875	8	8	8	8	8	8	8	8	£3,875
£4,198	8	8	8	8	8	8	8	8	£4,198
£4,521	8	8	8	8	8	8	8	8	£4,521
£4,844	8	8	8	8	8	8	8	8	£4,844
£5,167	8	8	8	8	8	8	8	8	£5,167
£5,490	8	8	©	8	8	8	8	8	£5,490
£5,920	8	(3)	(3)	(1)	8	(3)	⊗	8	£5,920
£6,458	8	©	©	©	©	8	8	8	£6,458
£6,997	☺	©	☺	©	©	©	©	☺	£6,997
£7,535	©	£7,535							
£8,073	©	©	©	©	©	③	©	©	£8,073
£8,611	©	©	©	©	©	0	©	©	£8,611
£9,149	©	©	©	©	3	©	©	©	£9,149
£9,688	©	£9,688							

- 5.7 If the RLV less EUV calculation is shown as a green, this indicates a positive result and a viable development scenario. However, where the RLV less EUV calculation is shown using a red symbol, the development would be unviable at the given level of CIL.
- 5.8 We then chart the results (as illustrated below) to test whether the impact of CIL would reduce the RLV below the EUV benchmark (shown as a red line on each chart). In this example of a 250 unit per hectare scheme on a site currently in industrial/storage use, the purple bars correspond to the RLVs of the scheme at varying sales values (in the range of £3,875 to £9,688 per sq m). The blue bars shows the RLV *after* the imposition of a CIL, levied on the net additional floor space.



5.9 In the example below, where sales values are at £4,844 per sq m or lower, a scheme would generate a RLV that is lower than the EUV (shown by the red line). These sites would not come forward unless another variable were to change (e.g. a reduction in the affordable housing percentage below 50%). However, at sales values of £5,167 per sq m or more, the RLV would exceed the EUV benchmark. The level of CIL is then a critical factor for the schemes that meet the basic viability test. The level of CIL will affect the schemes at the margins of viability. On a scheme with sales values of £5,167 per sqm, the RLV of the scheme after CIL is deducted would fall below the EUV benchmark and in this situation, CIL would prevent the development from proceeding. When sales values exceed £5,920 per sq m, the imposition of CIL would have no impact on the decision to proceed, as the "after CIL" RLV exceeds the EUV benchmark in all cases.



Commercial appraisal results

5.10 The commercial appraisal results are more straightforward, due to the narrower range of variables that need to be considered in comparison to residential development. The appraisals are presented in the form of a traditional residual valuation, with the residual land value compared to an existing use value. The 'surplus' arising from development is then divided by the total floor area of the new scheme to show the level of CIL that the scheme could viably provide. We also divide the surplus by the net additional floorspace only to provide an indication of the level of CIL per sq m that schemes could yield when the existing space is netted off.

6 Assessment of the results

- 6.1 This section should be read in conjunction with the full results attached at Appendices 1 and 2. In these results, the residual land values are calculated for scenarios with sales values reflective of market conditions across the Borough. These RLVs are then compared to existing use value benchmarks, which include a 20% landowner premium. The graphs in the sections below show the outputs of our appraisals using the variables set out in Section 4.
- 6.2 Charging authorities are required to strike "an appropriate balance" between the need to raise funding to provide infrastructure to ensure development is sustainable and the potential impact of CIL on the economic viability of development. Our recommendations are that:
 - Firstly, councils should take a strategic view of viability. There will always be variations in viability between individual sites, but viability testing should establish the most typical viability position; not the exceptional situations.
 - Secondly, they should take a balanced view of viability residual valuations are just one factor influencing a developer's decision making – the same applies to local authorities.
 - Thirdly, while a single charge is attractive, it may not be appropriate for all authorities.
 - Fourthly, markets are cyclical and subject to change over short periods of time. Sensitivity testing to 'stress test' levels of CIL to ensure they are robust in the most likely of market conditions over the life of a Charging Schedule is essential.
 - Fifthly, local authorities should not set their rates of CIL at the limits of viability. They should leave a margin or contingency to allow for change and site specific viability issues.
- 6.3 The early examinations have seen a debate on how viability evidence should translate into CIL rates. It has now been accepted that there is no requirement for a proposed rate to slavishly follow the outputs of residual valuations. At Shropshire Council's examination in public, Newark & Sherwood Council argued that rates of CIL should be set at the level dictated by viability evidence which would (if followed literally) have resulted in a Charging Schedule with around thirty different charging zones across the Shropshire area. Clearly this would have resulted in a level of complexity that CIL is intended to avoid. The conclusion of this debate was that CIL rates should not necessarily be determined solely by viability evidence, but should not be logically contrary to the evidence. Councils should not follow a mechanistic process when setting rates –appraisals are just a guide to viability and are widely understood to be a less than precise tool.

Assessment – residential development

6.4 As CIL is intended to operate as a fixed charge, the Council will need to consider the impact on two key factors. Firstly, the need to strike a balance between maximising revenue to invest in infrastructure and the need to minimise the impact upon development viability. Secondly, as CIL will effectively take a 'top-slice' of development value, there is a potential impact on the percentage or tenure mix of affordable housing that can be secured. This is a change from the current system of negotiated financial contributions, where the planning officer could weigh the need for contributions against the requirement that schemes need to contribute towards affordable housing provision.



- 6.5 In assessing the results, it is important to clearly distinguish between two scenarios; namely, schemes that are unviable *regardless of the level of CIL* and schemes that are viable *prior* to the imposition of CIL at certain levels. If a scheme is unviable before CIL is levied, it is unlikely to come forward and CIL would not be a critical factor. We have therefore disregarded the 'unviable' schemes in recommending an appropriate level of CIL.
- 6.6 Charts 6.6.1 to 6.6.4 show the impact upon development viability of a CIL charge of £300 per sqm (including the Mayoral CIL of £35 per sqm) levied on the entire development (i.e. no discount for existing floorspace). Each chart compares the results to each of the four EUV benchmarks. All the development scenarios assume 50% affordable housing, with the rented housing provided as Affordable Rent.

Chart 6.6.1: Viability of CIL charge of £300 - High EUV benchmark

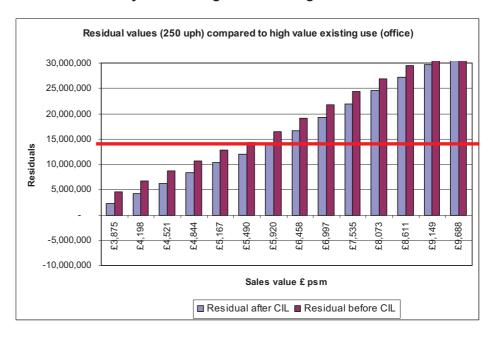
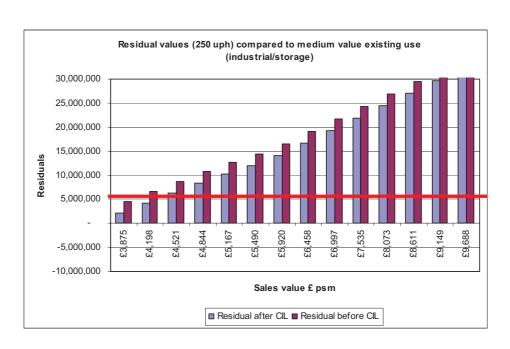


Chart 6.6.2: Viability of CIL charge of £300 – Medium EUV benchmark



Residual values (250 uph) compared to med to low value existing use (carparks)

30,000,000

25,000,000

15,000,000

5,000,000

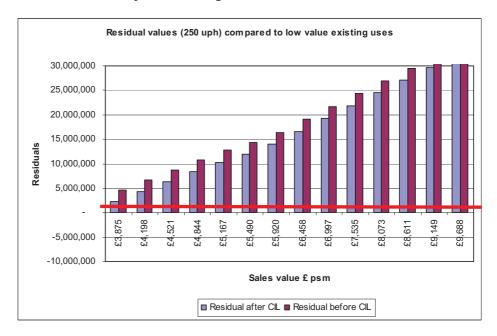
-5,000,000

Sales value £ psm

Residual after CIL Residual before CIL

Chart 6.6.3: Viability of CIL charge of £300 – Med-Low EUV benchmark

Chart 6.6.4: Viability of CIL charge of £300 - Lowest EUV benchmark



6.7 Charts 6.6.1, 6.6.2 and 6.6.3 indicate that a number of development scenarios would be rendered unviable by a CIL levied at a rate of £300 per sqm across the development. However, as noted previously, CIL will be levied on net additional floorspace only. Our analysis of schemes completed over the past two years indicates that, on average, existing floorspace equates to 33% of new floorspace. In the next set of charts (6.7.1 to 6.7.4), we consider the viability of the same charge (£300 per sqm) but levied on the net additional floorspace only.



Chart 6.7.1: Viability of CIL charge of £300 levied on net additional floorspace only – High EUV benchmark

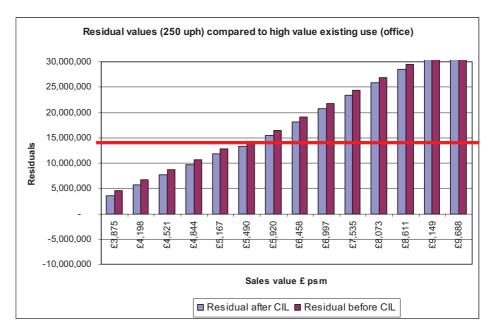


Chart 6.7.2: Viability of CIL charge of £300 levied on net additional floorspace only – Medium EUV benchmark

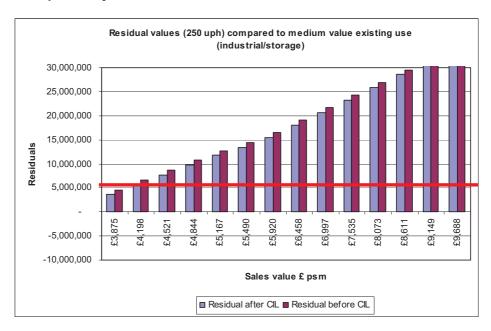




Chart 6.7.3: Viability of CIL charge of £300 levied on net additional floorspace only – Med-Low EUV benchmark

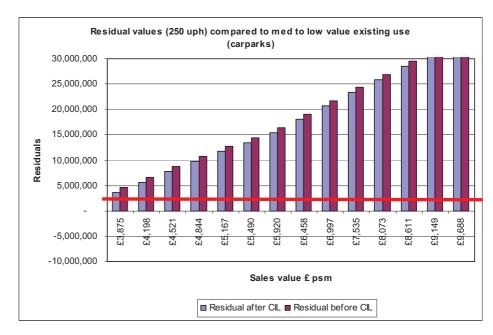
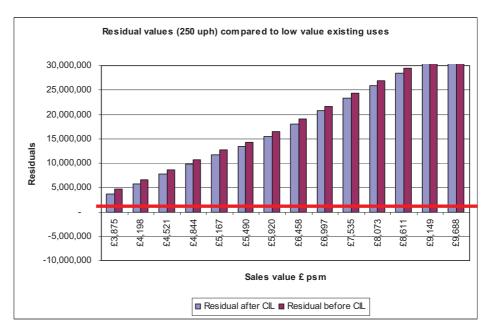


Chart 6.7.4: Viability of CIL charge of £300 levied on net additional floorspace only –Low EUV benchmark



6.8 Given that the bulk of schemes will fall into the £3,875 to £5,490 per sq m sales value bands, a CIL rate of £300 per sqm appears to be the very highest level that could be set without a significant impact on the viability of residential development. At a reduced rate of CIL of £220 per sqm (excluding the Mayor CIL of £35 per sqm), schemes at sales values of £4,198 per sqm (that were rendered unviable by the higher CIL charge) would become viable (see Chart 6.8.1).



Residual values (250 uph) compared to medium value existing use (industrial/storage)

30,000,000
25,000,000
15,000,000
5,000,000
5,000,000
-10,000,000
-10,000,000

Sales value £ psm

■ Residual after CIL ■ Residual before CIL

Chart 6.8.1: Viability of CIL charge of £220 levied on net additional floorspace only – Medium EUV benchmark

Although the charts above relate to schemes with densities of 250 units per hectare, the relationship between scheme EUVs and RLVs on schemes of higher and lower densities is consistent with the results shown in the charts above.

Impact of real house price growth

6.9 Increasing real house prices will enhance the ability of schemes to absorb a higher rate of CIL in the future. Table 6.9.1 below shows how the current range of values will change in the future as a result of an increase in sales values of 10% and 25% in real terms. This is the increase in excess of the negative impact of other changes, such as increasing build costs.

Table 6.9.1: Impact of inflation on range of sales values

Sales value range	Low (£s per sqm)	High (£s per sqm)			
Current	3,875	6,997			
10% real terms inflation	4,198	7,535			
25% real terms inflation	4,844	8,611			

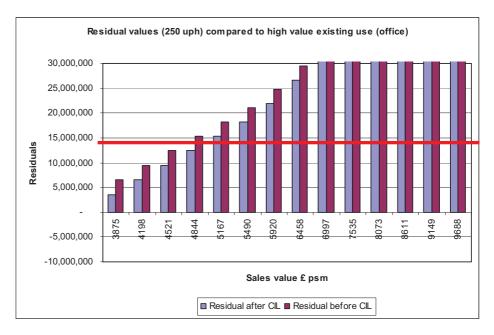
The results from the appraisals with inflated sales values are included within the charts above and the tables attached at Appendix 1. The range of values simply shifts to the right along the scale, so for example, where values are inflated by 10%, the range starts at the second bar in chart, rather than the first.

Reduced affordable housing

6.10 On residential developments, the Council has the option of reducing the quantum of affordable housing if viability issues emerge. To illustrate the impact of reducing affordable housing requirements on scheme viability, chart 6.10.1 shows the residual values generated by a scheme with 10% affordable housing on a high existing use value site.



Chart 6.10.1: Viability of CIL charge of £300 levied on net additional floorspace only – High EUV benchmark – 10% affordable housing



Hotel development

6.11 We have separately assessed the ability of hotel developments to make contributions through CIL (appraisal attached at Appendix 2). Assuming a capital value of £110,000 per room, our appraisals indicate that hotel development should be able to absorb a CIL of up to £320 per sqm, including the Mayoral CIL.

Student housing development

- 6.12 Student housing developments typically generate high residual land values, although the level of rent charged is a critical factor. Schemes developed by universities themselves tend to have lower rent levels than schemes developed by private sector bodies, such as Unite. Given the financial constraints that universities now operate under, it is likely that most if not all new student housing will be developed by the private sector.
- 6.13 Our appraisal indicates that a typical student housing scheme, with rents of £190 per week, should be able to contribute between £300 to £350 per square metre of net additional floorspace (assuming 33% existing floorspace on site). This would allow a comfortable viability margin and for the Mayoral CIL.

Assessment – commercial development

- 6.14 Our appraisals indicate that the ability of commercial schemes to viably make contributions through CIL will vary according to use class. Office and retail floorspace generates a positive RLV in excess of EUV benchmarks, generating a surplus that could be used to make CIL contributions.
- 6.15 As noted in section 4, the level of rents that can be achieved for commercial space varies according to exact location; quality of building; and configuration of space. Consequently, our appraisals reflect this range to show the likely



contributions that can be secured in the 'least viable' scenario where rents are lowest.

Table 6.15.1 – Office floorspace

Primary	range
£21	£22

Rent level (per sq ft)	£20	£21	£22	£23
RLV (£m)	1.52	1.78	2.03	2.28
EUV benchmark (£m)	1.62	1.62	1.76	1.76
'Surplus' to fund CIL (£m)	(0.16)	0.15	0.27	0.53
CIL per sqm across whole scheme	(37)	54	98	190
CIL per sqm of net additional floorspace	(56)	81	147	283

Table 6.15.2 – Retail floorspace

Prim	arv	ran	ae

Rent level (per sq ft)	£20	£21	£23	£25
RLV (£m)	1.83	2.11	3.11	3.66
EUV benchmark (£m)	1.77	1.98	2.47	2.61
'Surplus' to fund CIL (3m)	0.06	0.12	0.64	1.05
CIL per sqm across whole scheme	21	44	229	375
CIL per sqm of net additional floorspace	31	66	341	560

Table 6.15.3 - Industrial floorspace

Rent level (per sq ft)	£7.50	£8	£8.5	£9
RLV (£m)	(0.751)	(0.649)	(0.546)	(0.444)
EUV benchmark (£m)	0.614	0.731	0.848	0.804
'Surplus' to fund CIL	(1.365)	(1.380)	(1.394)	(1.409)
CIL per sqm across whole scheme	(490)	(495)	(500)	(506)
CIL per sqm of net additional floorspace	(1,195)	(1,208)	(1,220)	(1,223)

Table 6.15.4 - Warehouse floorspace

Rent level (per sq ft)	£9	£10	£11	£12	
RLV (£m)	(0.440)	(0.239)	(0.034)	0.170	
EUV benchmark (£m)	0.654	0.770 0.887		1.004	
'Surplus' to fund CIL	(1.098)	(1.011)	(0.922)	(0.834)	
CIL per sqm across whole scheme	(394)	(362)	(331)	(299)	
CIL per sqm of net additional floorspace	(960)	(884)	(807)	(730)	

6.16 The results indicate that office developments could viably generate a contribution towards CIL of between £81 and £147 per sq m. Retail developments could make a slightly higher contribution of between £66 and £341 per sq m.

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- 6.17 The Council would need to adopt a level of CIL that has regard to the lower value developments, which suggests that the maximum CIL rates for offices would be £81 per sq m and £66 for retail. However, with retail parks attracting higher rents, the Council could consider adopting a higher rate of CIL for these types of development.
- 6.18 Industrial and warehouse developments generate negative values after deducting an allowance for the existing use value plus landowner premium. The maximum rent for industrial lettings is currently £9 per sq ft. Rents would need to increase to £15.90 per sq ft to achieve a viable scheme (even before CIL is applied). The prospects of achieving a 76% increase in rents over the life of the Charging Schedule are very limited. Rents for warehousing developments would need to increase to £14 psf to break even. Again, it is unlikely that rents will increase sufficiently above these levels during the life of the Charging Schedule for any level of CIL to become viable.
- 6.19 We have also considered the ability of schemes providing 'affordable workspace' to make contributions through CIL. For the purposes of this assessment, we have assumed that the workspace is let at 75% of the lowest rent in the range of office rents. This equates to a rent of £15 per sq ft. The results indicate that affordable workspace would not generate sufficient value to make any CIL contribution.

Table 6.19.1: Affordable workspace

Rent level (per sq ft)	£15
RLV (£m)	0.62
EUV benchmark (£m)	1.12
'Surplus' to fund CIL	(0.50)
CIL per sqm across whole scheme	(180)
CIL per sqm of net additional floorspace	(269)

D1 floorspace development

- 6.20 D1 floorspace typically includes uses that do not accommodate revenue generating operations, such as schools, health centres, museums and places of worship. Other uses that do generate an income stream (such as swimming pools) have operating costs that are far higher than the income and require public subsidy. Many D1 uses will be infrastructure themselves, which CIL will help to provide. It is therefore unlikely that D1 uses will be capable of generating any contribution towards CIL.
- 6.21 In light of these results, the next section of this report sets out our recommendations to the Council on how it might approach setting appropriate levels of CIL to strike an appropriate balance between revenue maximisation and viability.



7 Conclusions and recommendations

- 7.1 The results of our analysis indicate a degree of variation in viability of development in terms of use classes. In light of these variations, two options are available to the Council under the CIL regulations. Firstly, the Council could set a single CIL rate across the Borough, having regard to the least viable use classes and least viable locations. This option would suggest the adoption of the 'lowest common denominator', with sites that could have provided a greater contribution towards infrastructure requirements not doing so. Secondly, the Council has the option of setting different rates for different use classes. The results of our study point firmly towards the second option as our recommended route.
- 7.2 We have also referred to the results of development appraisals as being highly dependent upon the inputs, which will vary significantly between individual developments. In the main, the imposition of CIL is not a critical factor in determining whether a scheme is viable or not (with the relationship between scheme value, costs and existing use value benchmarks being far more important). This is evidenced by the very marginal differences between the 'pre' and 'post' CIL residential appraisals shown in the table in Section 6.
- 7.3 Given CIL's nature as a fixed tariff, it is important that the Council selects rates that are not on the limit of viability. This is particularly important for commercial floorspace, where the Council does not have the ability to 'flex' other planning obligations to absorb site-specific viability issues. In contrast, the Council could in principle set higher rates for residential schemes as the level of affordable housing could be adjusted in the case of marginally viable schemes. However, this approach runs the risk of frustrating one of the Council's other key objectives of delivering affordable housing. Consequently, sensitive CIL rate setting for residential schemes is also vital.
- 7.4 Our core recommendations on levels are CIL are therefore summarised as follows:
 - The results of this study are reflective of current market conditions, which are likely to improve over the medium term. It is therefore important that the Council keeps the viability situation under review so that levels of CIL can be adjusted to reflect any future improvements. This could be achieved through indexation, using a combination of changes in house prices (as measured by the Land Registry House Price Index) and build costs (as measured by BCIS or other appropriate index).
 - A majority of residential schemes should be able to absorb a CIL rate of up to £300 per sq m, including the Mayoral CIL of £35 per sq m. However, our results indicate that a CIL of this level would prevent some developments at the margins of viability from coming forward. We therefore recommend a lower starting rate of around £200 per sq m, plus the Mayoral CIL.
 - Our appraisals indicate that student housing schemes could comfortably accommodate a CIL of around £300 per sq metre (exclusive of the Mayoral CIL).
 - Hotel developments could accommodate a CIL of up to a maximum of £320 per sq metre. We would suggest a starting rate of £200 per sq metre to allow a buffer and the Mayoral CIL.



- Office developments range in value, with rents typically around £21 per sq ft to £22 per sq ft. Our appraisals indicate that a CIL of up to £147 per sq m could be levied, but this would result in many office developments that attract lower rents from coming forward. Given that there are no other significant planning obligations that could be 'flexed' to absorb viability issues on lower value schemes, we recommend that the Council sets a CIL for offices that strikes a balance between the upper and lower end of the rental range. This would suggest a maximum CIL of up to £110 per sq m, or £40 after allowing a margin to absorb site specific viability issues, plus the Mayoral CIL.
- Values generated by **Retail developments** vary between high street and small retail developments and retail parks, with the latter attracting higher rents and generating higher capital values. At the lower end of the range, our results indicate that a maximum CIL of £66 per sq m could be achieved. However, the viable levels of CIL increase very steeply with modest increases in rents (from £21 to £23 per sq ft) to £341 per sq m. In arriving at a balance between the two ends of the range, the Council might consider adopting a CIL of £80 per sq m plus the Mayoral CIL.
- Our appraisals of developments of industrial and warehousing floorspace indicate that these uses are unlikely to generate positive residual land values. Even when positive land values are achieved, they fall short of existing use values. We recommend that zero rates are set for these use classes, although it is unlikely that development would come forward in any case.

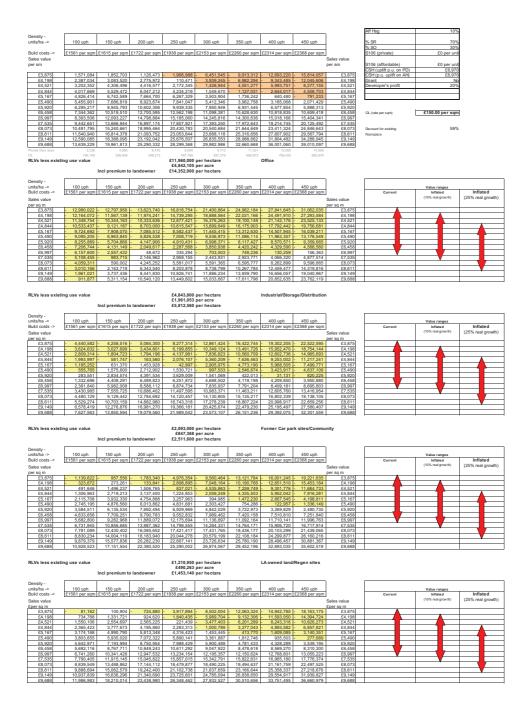
For residential schemes, the application of CIL of £200 per sq m does not appear to be a critical factor in determining whether or not a scheme is viable. Some schemes would be unviable even if a zero CIL were adopted. We therefore recommend that the Council pays limited regard to these sites. However, the Council should also consider the potential CIL that could be secured from other viable sites when determining an appropriate balance between revenue maximisation and viability.

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Appendix 1 Residential appraisal results

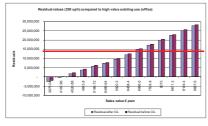
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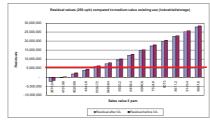


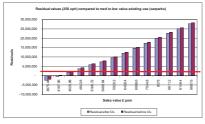


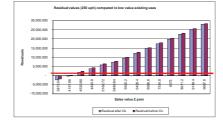




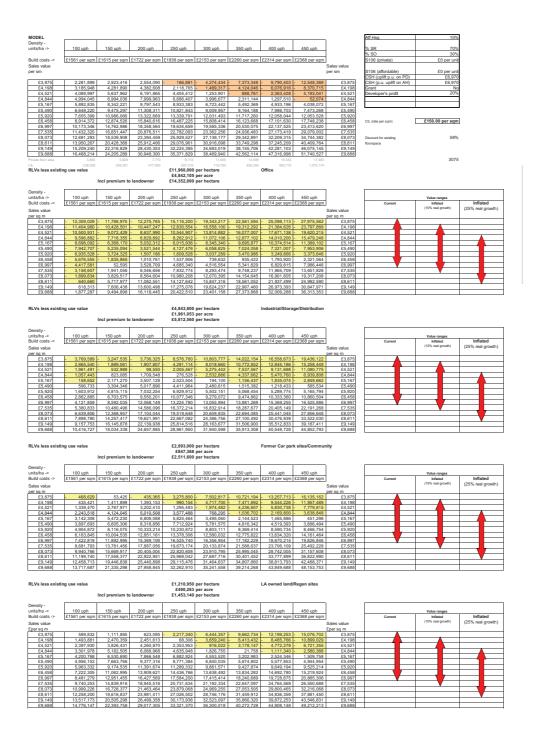




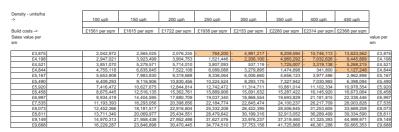


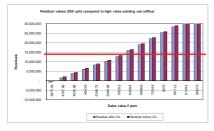


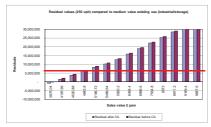
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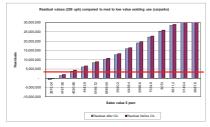


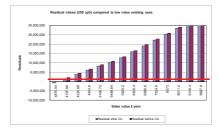




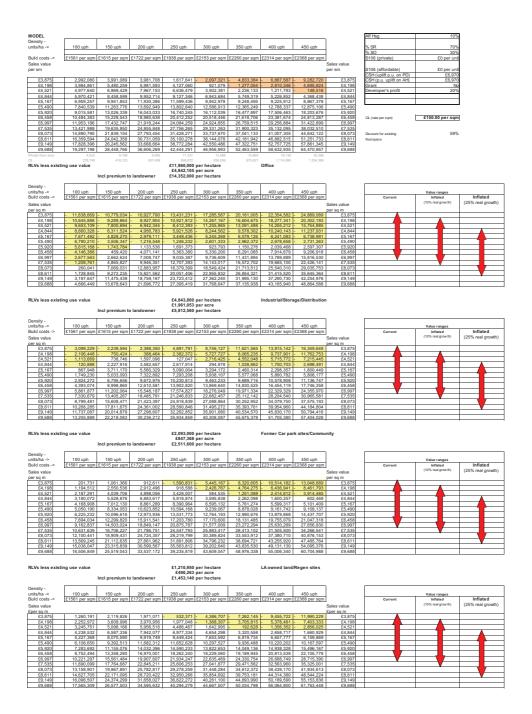




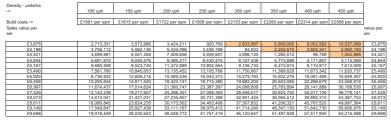




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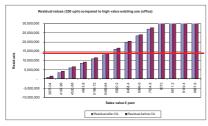


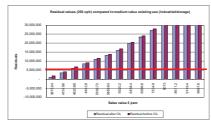


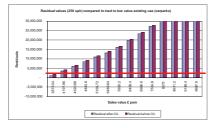


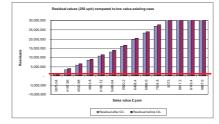
CIL (rate per sqm) £140.00 per sqm

Discount for existing 59% floorspace

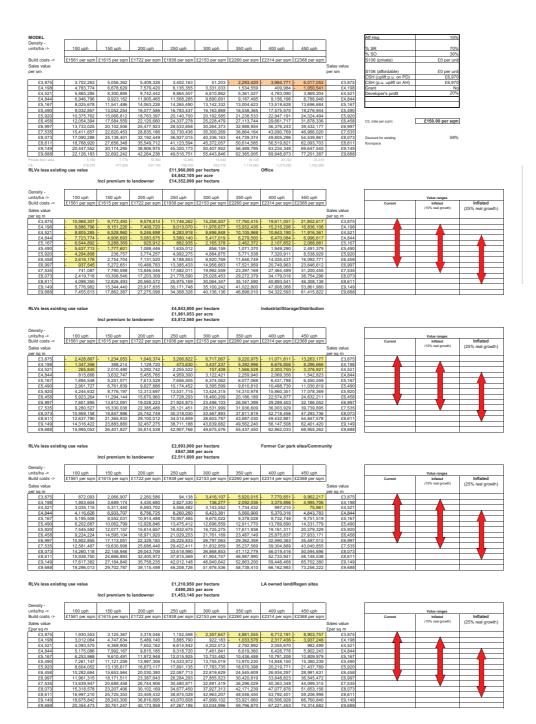




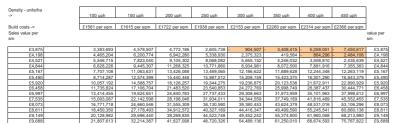


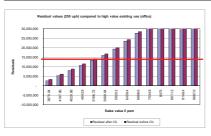


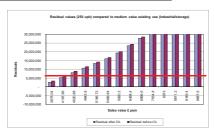
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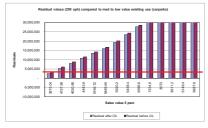


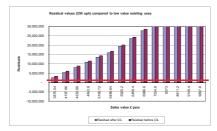




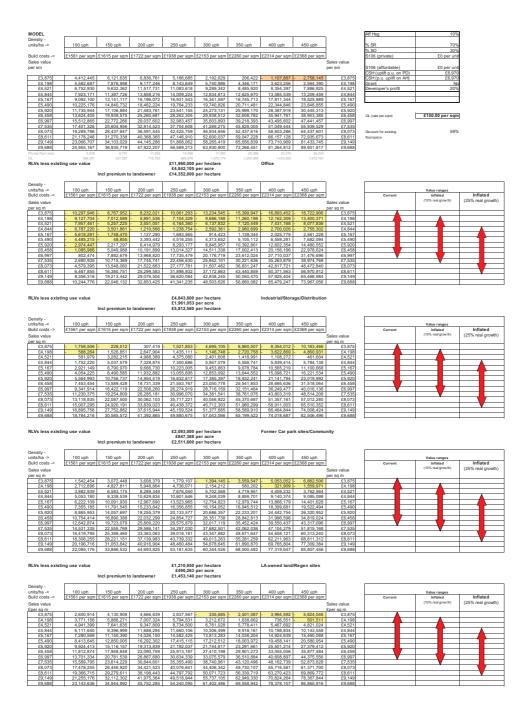








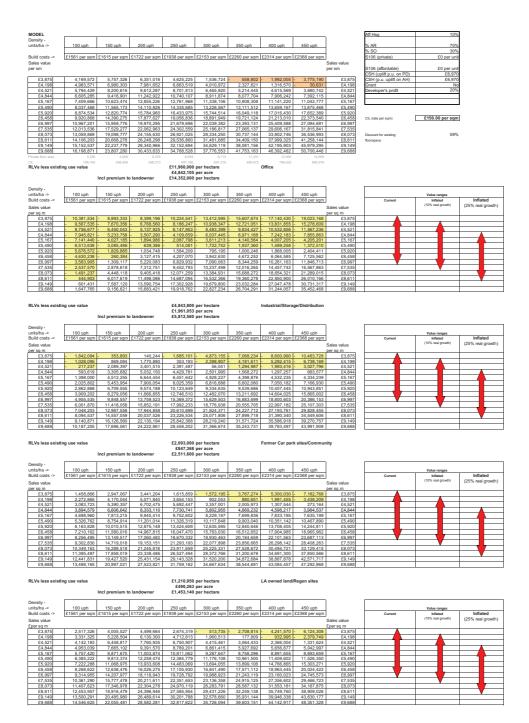
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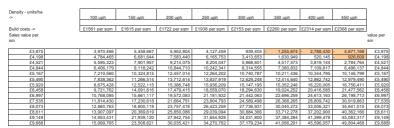




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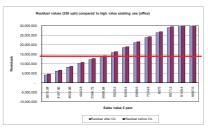


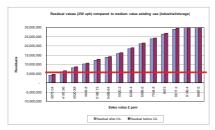


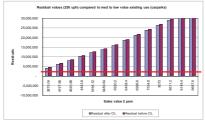


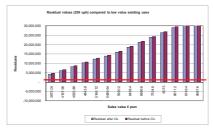
Cit. (rate per sqm) £150.00 per sqm

Discount for existing 59%

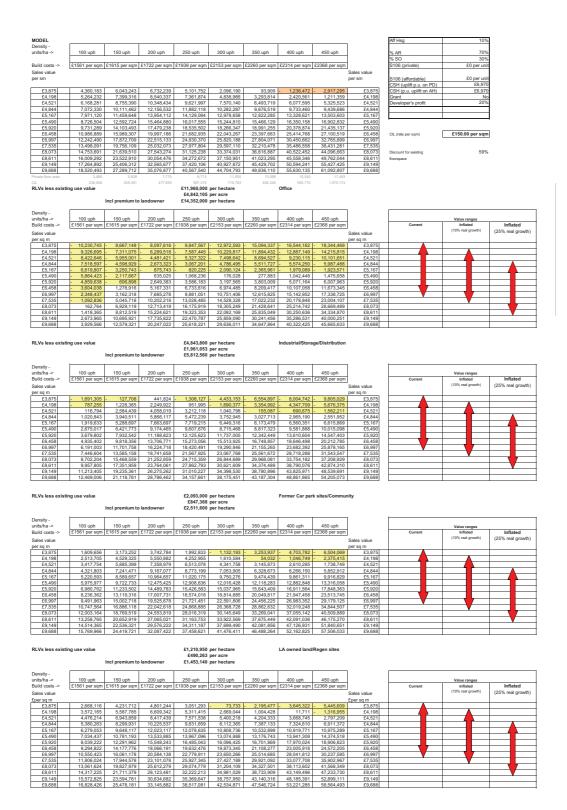


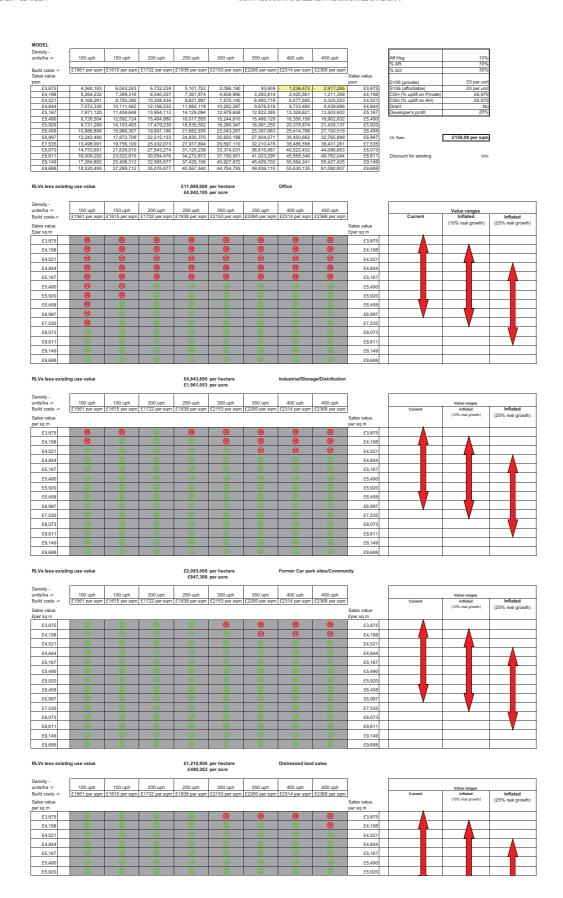






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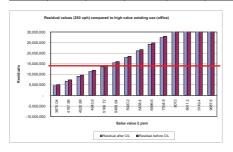


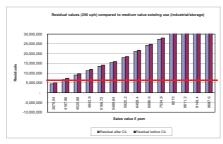
£6,458 £6,997 £7,535 £8,073	© © © © © © © © © © © © © © © © © © ©	0 0	0	8	0	8	8	£6,458			_
£7,535	© ©	8	0	0	0						
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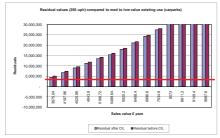
->	100 uph	150 uph	200 uph	250 uph	300 uph	350 uph	400 uph	450 uph	
Build costs ->	£1561 per sqm	£1615 per sqm	£1722 per sqm	£1938 per sqm	£2153 per sqm	£2260 per sqm	£2314 per sqm	£2368 per sqm	
Sales value per									value per
sm									sm
£3,875	4,121,256	5,684,852	6,254,384	4,504,433	1,379,408	- 742,337	- 2,192,182	- 3,992,469	£3,875
£4,198	5,025,305	7,040,925	8,062,482	6,764,555	4,122,184	2,457,568	1,464,851	136,185	£4,198
£4,521	5,929,354	8,396,999	9,870,579	9,024,678	6,853,358	5,657,473	5,121,885	4,250,349	£4,521
£4,844	6,833,403	9,753,071	11,678,677	11,284,799	9,565,505	8,840,273	8,777,750	8,364,512	£4,844
£5,167	7,732,193	11,101,257	13,476,257	13,531,775	12,261,876	11,986,039	12,372,911	12,428,429	£5,167
£5,490	8,487,577	12,234,333	14,987,025	15,420,236	14,528,028	14,629,883	15,394,448	15,827,658	£5,490
£5,920	9,492,362	13,745,102	17,001,383	17,938,183	17,549,565	18,155,009	19,423,164	20,359,963	£5,920
£6,458	10,747,962	15,630,916	19,519,331	21,085,616	21,326,485	22,561,417	24,459,058	26,025,345	£6,458
£6,997	12,003,563	17,514,318	22,037,278	24,233,051	25,103,406	26,967,825	29,494,952	31,690,725	£6,997
£7,535	13,259,164	19,397,718	24,554,218	27,380,485	28,880,328	31,374,232	34,530,848	37,356,107	£7,535
£8,073	14,514,764	21,281,119	27,065,419	30,527,919	32,657,249	35,780,641	39,566,742	43,021,489	£8,073
£8,611	15,770,365	23,164,519	29,576,621	33,675,353	36,434,169	40,187,049	44,602,636	48,686,870	£8,611
£9,149	17,025,965	25,047,921	32,087,822	36,822,787	40,211,090	44,593,456	49,638,531	54,352,251	£9,149
£9,688	18,281,566	26,931,321	34,599,022	39,970,221	43,988,011	48,999,864	54,674,425	60,017,633	£9,688

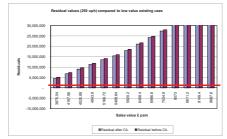
Cill. (rate per sqm) £150.00 per sqm

Discount for existing 59% floorspace

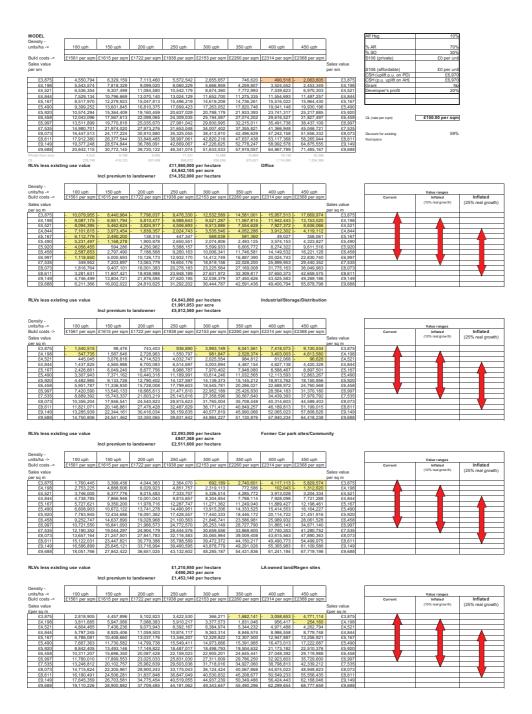




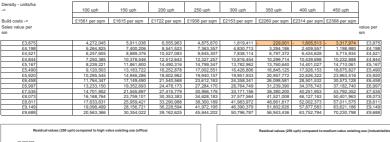




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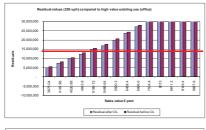


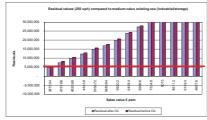


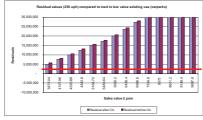


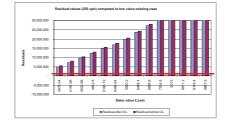
CIL (rate per sqm) £150.00 per sqm

Discount for existing 59% floorspace

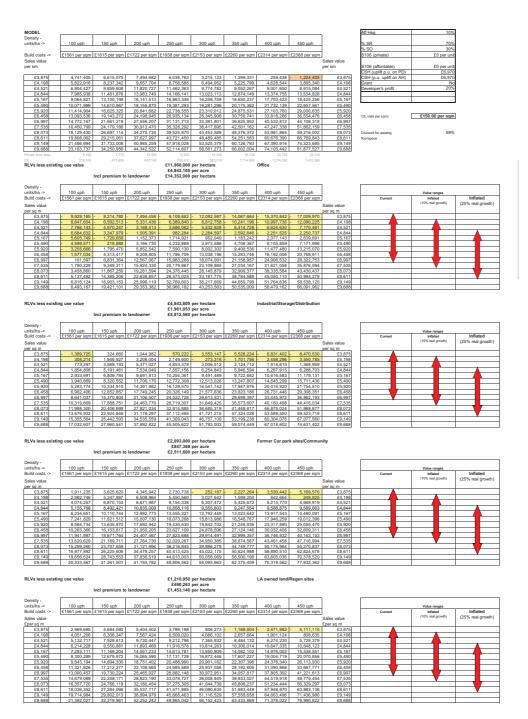


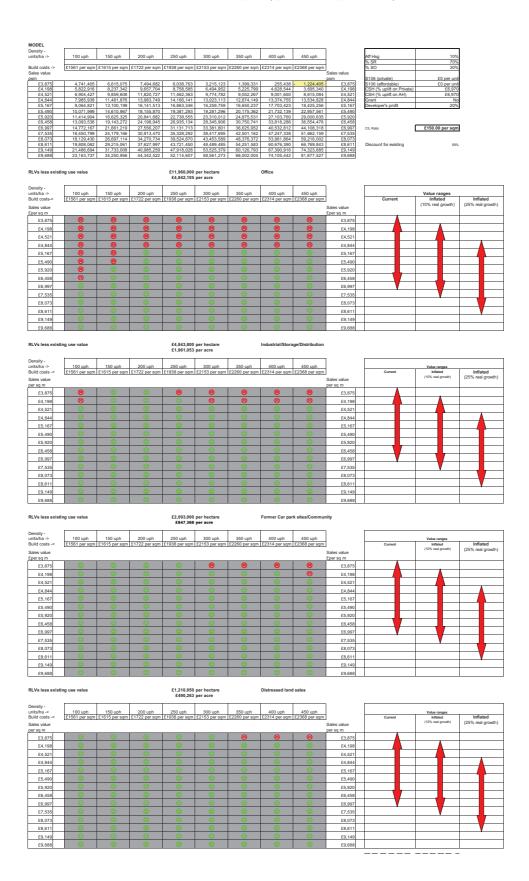






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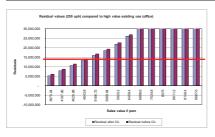


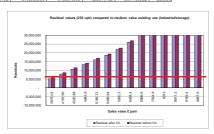


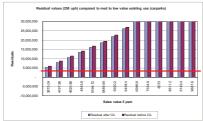


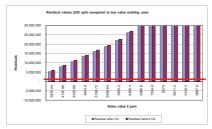
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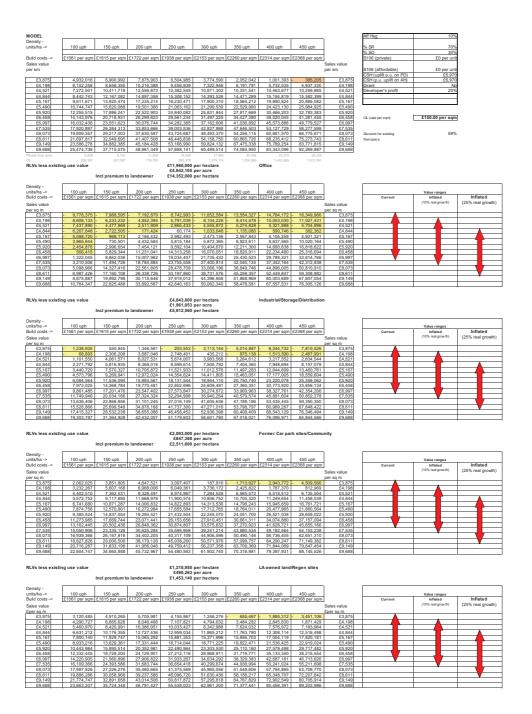




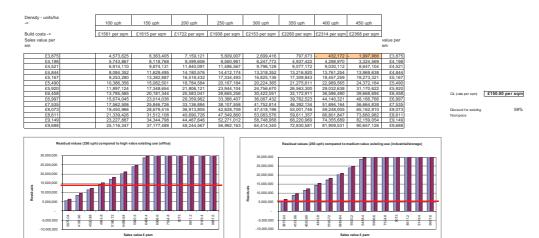


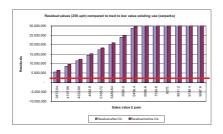


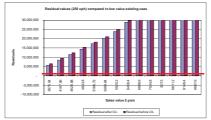
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So focus is on the marginal cases



Appendix 2 Commercial appraisal results

Use class:	OFFICE
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Rental Income	Area	9	£ psf		£ per annum
Rent - area 1	1	0,000	. 20)	200,00
Rent - area 2	1	0,000	20)	200,00
Rent - area 3	1	0,000	20)	200,00
Total rental income	3	80,000			600,00
Rent free/voids (years)		24		0.9346	
Total revenue, capitalised (including all costs)				7.00%	8,010,85

DEVELOPMENT COSTS			
Development Costs			
Demolition costs	£5 psf £9,900 sqt		75,000
Building costs	£110 psf		3,300,000
Area	33,333		
External works			330,000
Professional fees		11.00%	407,550
Section 106 costs			Excl
Disposal Costs			
Letting Agent's fee (% of rent)		10.00%	60,000
Agent's fees (on capital value)		1.00%	80,109
Legal fees (% of capital value)		0.75%	60,081
Interest on Finance			
Total development duration	24 months		
Loan arrangement fee		1.00%	41,126
On 50% of Construction Costs	18 months	6.50%	200,487
Profit			
Developer's profit on Total Revenue		20.00%	1,602,171
TOTAL DEVELOPMENT COSTS			6,156,524

LAND VALUE			
Land surplus			1,854,333
Stamp duty		4.00%	(74,173)
Agent's fees		1.25%	(23,179)
Legal fees		0.50%	(9,272)
Interest on land finance	24 months	6.50%	(227,202)
RESIDUAL LAND VALUE			1,520,507

Existing use value Assumes existing space is 33% of new Rent per sq ft Rental income per annum	9,900 £17 psf 168,300		
Rent free/voids (years) Total revenue, capitalised (including all costs)	24	0.9346 8.00%	1,966,165
Refurbishment costs Fees	£50 psf 7%	495,000 34,650	
Purchaser's costs	5.75%		82,600
Existing use value			1,353,915
Landowner premium	20%		1,624,698
Surplus available to fund CIL			(104,191)
Per sqm (total scheme) Per sqm (net additional floorspace only)			(37) (56)

Use class:	OFFICE
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EVELOPMENT VALUE					
Rental Income	Area	£р	sf	£pe	er annum
Rent - area 1	10,0	000	21		210,000
Rent - area 2	10,0	000	21		210,000
Rent - area 3	10,0	000	21		210,000
Total rental income	30,0	000			630,000
Rent free/voids (years)		24	0.93	46	
Total revenue, capitalised (including all costs)			7.0	0%	8,411,400
GROSS DEVELOPMENT VALUE					8,411,400

DEVELOPMENT COSTS			
Development Costs			
Demolition costs	£5 psf £9,900 sqt		75,000
Building costs	£110 psf		3,300,000
Area	33,333		
External works			330,000
Professional fees		11.00%	407,550
Section 106 costs			Excl
Disposal Costs			
Letting Agent's fee (% of rent)		10.00%	63,000
Agent's fees (on capital value)		1.00%	84,114
Legal fees (% of capital value)		0.75%	63,086
Interest on Finance			
Total development duration	24 months		
Loan arrangement fee		1.00%	41,126
On 50% of Construction Costs	18 months	6.50%	200,487
Profit			
Developer's profit on Total Revenue		20.00%	1,682,280
TOTAL DEVELOPMENT COSTS			6,246,642

LAND VALUE			
Land surplus			2,164,758
Stamp duty		4.00%	(86,590)
Agent's fees		1.25%	(27,059)
Legal fees		0.50%	(10,824)
Interest on land finance	24 months	6.50%	(265,237)
RESIDUAL LAND VALUE			1,775,048

_				.,,
	Existing use value			
	Assumes existing space is 33% of new	9,900		
	Rent per sq ft	£17 psf		
	Rental income per annum	168,300		
I	Rent free/voids (years)	24	0.9346	
	Total revenue, capitalised (including all costs)		8.00%	1,966,165
	Refurbishment costs	£50 psf	495,000	
	Fees	7%	34,650	
	Purchaser's costs	5.75%		82,600
_	Existing use value			1,353,915
_				1,000,000
	Landowner premium	20%		1,624,698
	Surplus available to fund CIL			150,349
				.00,0.0
	Per sqm (total scheme)			54
	Per sqm (net additional floorspace only)			81

Commercial Development

Use class:	OFFICE
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Area		£ psf		£ per a	nnum
	10,000		22		220,000
	10,000		22		220,000
	10,000		22		220,000
	30,000				660,000
	24		0.9346		
			7.00%	ò	8,811,943
					8,811,943
		10,000 10,000 10,000 30,000	10,000 10,000 10,000 30,000	10,000 22 10,000 22 10,000 22 30,000 22	10,000 22 10,000 22 10,000 22 30,000

DEVELOPMENT COSTS			
Development Costs			
Demolition costs	£5 psf £9,900 sqt		75,000
Building costs	£110 psf		3,300,000
Area	33,333		.,,
External works	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		330,000
Professional fees		11.00%	407,550
Section 106 costs			Excl
Disposal Costs			
Letting Agent's fee (% of rent)		10.00%	66,000
Agent's fees (on capital value)		1.00%	88,119
Legal fees (% of capital value)		0.75%	66,090
Interest on Finance			
Total development duration	24 months		
Loan arrangement fee		1.00%	41,126
On 50% of Construction Costs	18 months	6.50%	200,487
<u>Profit</u>			
Developer's profit on Total Revenue		20.00%	1,762,389
TOTAL DEVELOPMENT COSTS			6,336,760

LAND VALUE			
Land surplus			2,475,183
Stamp duty		4.00%	(99,007)
Agent's fees		1.25%	(30,940)
Legal fees		0.50%	(12,376)
Interest on land finance	24 months	6.50%	(303,272)
RESIDUAL LAND VALUE			2,029,588

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	Existing use value			
	Assumes existing space is 33% of new	9,900		
	Rent per sq ft	£18 psf		
	Rental income per annum	178,200		
I	Rent free/voids (years)	24	0.9346	
1	Total revenue, capitalised (including all costs)		8.00%	2,081,822
	Refurbishment costs	£50 psf	495,000	
	Fees	7%	34,650	
	Purchaser's costs	5.75%		89,250
_	Existing use value			1,462,922
	Landowner premium	20%		1,755,506
	Surplus available to fund CIL			274,082
	Per sqm (total scheme)			98
	Per sqm (net additional floorspace only)			147

Use class:	OFFICE
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Rental Income	Area	£	osf	£ pe	er annum
Rent - area 1	10	,000	23		230,000
Rent - area 2	10	,000	23		230,00
Rent - area 3	10	,000	23		230,00
Total rental income	30	,000			690,00
Rent free/voids (years)		24	0.93	346	
Total revenue, capitalised (including all costs)			7.0	0%	9,212,48

DEVELOPMENT COSTS			
Development Costs			
Demolition costs	£5 psf £9,900 sqt		75,000
Building costs	£110 psf		3,300,000
Area	33,333		
External works			330,000
Professional fees		11.00%	407,550
Section 106 costs			Excl
Disposal Costs			
Letting Agent's fee (% of rent)		10.00%	69,000
Agent's fees (on capital value)		1.00%	92,125
Legal fees (% of capital value)		0.75%	69,094
Interest on Finance			
Total development duration	24 months		
Loan arrangement fee		1.00%	41,126
On 50% of Construction Costs	18 months	6.50%	200,487
Profit			
Developer's profit on Total Revenue		20.00%	1,842,497
TOTAL DEVELOPMENT COSTS			6,426,878

LAND VALUE			
Land surplus			2,785,608
Stamp duty		4.00%	(111,424)
Agent's fees		1.25%	(34,820)
Legal fees		0.50%	(13,928)
Interest on land finance	24 months	6.50%	(341,307)
RESIDUAL LAND VALUE			2,284,129

RESIDUAL LAND VALUE			2,284,129
Existing use value Assumes existing space is 33% of new Rent per sq ft Rental income per annum	9,900 £18 psf 178,200		
Rent free/voids (years) Total revenue, capitalised (including all costs)	24	0.9346 8.00%	2,081,822
Refurbishment costs Fees	£50 psf 7%	495,000 34,650	
Purchaser's costs	5.75%		89,250
Existing use value			1,462,922
Landowner premium	20%		1,755,506
Surplus available to fund CIL			528,623
Per sqm (total scheme) Per sqm (net additional floorspace only)			190 283

Commercial Development

Use class:	OFFICE (Affordable)
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Rental Income	Area		£ psf		£ per annum	
Rent - area 1		10,000		15		150,000
Rent - area 2		10,000		15		150,000
Rent - area 3		10,000		15		150,000
Total rental income		30,000				450,000
Rent free/voids (years)		24		0.9346		
Total revenue, capitalised (including all costs)				6.50%		6,470,30

DEVELOPMENT COSTS				
Development Costs				
Demolition costs	£5 psf	9900.00		75,000
Building costs	£110 psf			3,300,000
Area	33,333			-,,
External works	,			330,000
Professional fees			11.00%	407,550
Section 106 costs				Exc
Disposal Costs				
Letting Agent's fee (% of rent)			10.00%	45,000
Agent's fees (on capital value)			1.00%	64,703
Legal fees (% of capital value)			0.75%	48,527
Interest on Finance				
Total development duration	18 m	onths		
Loan arrangement fee			1.00%	41,126
On 50% of Construction Costs	12 m	onths	6.50%	133,658
Profit				
Developer's profit on Total Revenue			20.00%	1,294,062
TOTAL DEVELOPMENT COSTS				5,739,625

LAND VALUE			
Land surplus			730,682
Stamp duty		4.00%	(29,227)
Agent's fees		1.25%	(9,134)
Legal fees		0.50%	(3,653)
Interest on land finance	18 months	6.50%	(67,145)
RESIDUAL LAND VALUE			621,523

	Existing use value			
	Assumes existing space is 33% of new	9,900		
	Rent per sq ft	£15 psf		
	Rental income per annum	148,500		
I	Rent free/voids (years)	24	0.9346	
	Total revenue, capitalised (including all costs)		8.00%	1,734,851
	Refurbishment costs	£70 psf	693,000	
	Fees	7%	48,510	
	Purchaser's costs	5.75%		57,117
_	Existing use value			936,224
	Landaupar promium	20%		1 122 460
	Landowner premium	20%		1,123,469

Per sqm (net additional floorspace only)

Commercial Development

	Use class:	RETAIL
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EVELOPMENT VALUE					
Rental Income	Area		£ psf	£pe	r annum
Rent - area 1	10	,000	20.00		200,00
Rent - area 2	10	,000	20.00		200,00
Rent - area 3	10	,000	20.00		200,00
Total rental income	30	,000			600,00
Rent free/voids (years)		24	0.9346	6	
Total revenue, capitalised (including all costs)			6.75%	%	8,307,55
GROSS DEVELOPMENT VALUE					8,307,55

DEVELOPMENT COSTS			
Davidanment Costs			
Development Costs Demolition costs	£5 psf 9,900 sqt		75,000
Building costs	£110 psf		3,300,000
Area	35,294		3,300,000
External works	33,294		330,000
Professional fees		11.00%	407,550
Section 106 costs		11.00/0	407,530 Excl
Section 100 costs			EXCI
Disposal Costs			
Letting Agent's fee (% of rent)		10.00%	60,000
Agent's fees (on capital value)		1.00%	83,076
Legal fees (% of capital value)		0.75%	62,307
Interest on Finance			
Total development duration	18 months		
Loan arrangement fee		1.00%	41,126
On 50% of Construction Costs	12 months	6.50%	133,658
Profit			
Developer's profit on Total Revenue		20.00%	1,661,511
TOTAL DEVELOPMENT COSTS			6,154,227

LAND VALUE			
Land surplus			2,153,329
Stamp duty		4.00%	(86,133)
Agent's fees		1.25%	(26,917)
Legal fees		0.50%	(10,767)
Interest on land finance	18 months	6.50%	(197,877)
RESIDUAL LAND VALUE			1,831,635

Existing use value Assumes existing space is 33% of new Rent per sq ft Rental income per annum	9,900 £17 psf 168,300		
Rent free/voids (years) Total revenue, capitalised (including all costs)	24	0.9346 7.50%	2,097,242
Refurbishment costs Fees	£50 psf 7%	495,000 34,650	
Purchaser's costs	5.75%		90,137
Existing use value			1,477,456
Landowner premium	20%		1,772,947
Surplus available to fund CIL			58,688

Per sqm (total scheme) Per sqm (net additional floorspace only)

Use class:	RETAIL
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EVELOPMENT VALUE				
Rental Income	Area		£ psf	£ per annum
Rent - area 1		10,000	21.00	210,000
Rent - area 2		10,000	21.00	210,000
Rent - area 3		10,000	21.00	210,000
Total rental income	;	30,000		630,000
Rent free/voids (years)		24	0.9346	5
Total revenue, capitalised (including all costs)			6.75%	6 8,722,933
GROSS DEVELOPMENT VALUE				8,722,933

DEVELOPMENT COSTS			
Development Costs			
Demolition costs	£5 psf 15,000 sqt		75,000
Building costs	£110 psf		3,300,000
Area	35,294		
External works			330,000
Professional fees		11.00%	407,550
Section 106 costs			Excl
Disposal Costs			
Letting Agent's fee (% of rent)		10.00%	63,000
Agent's fees (on capital value)		1.00%	87,229
Legal fees (% of capital value)		0.75%	65,422
Interest on Finance			
Total development duration	18 months		
Loan arrangement fee		1.00%	41,126
On 50% of Construction Costs	12 months	6.50%	133,658
Profit			
Developer's profit on Total Revenue		20.00%	1,744,587
TOTAL DEVELOPMENT COSTS			6,247,571

LAND VALUE			
Land surplus			2,475,362
Stamp duty		4.00%	(99,014)
Agent's fees		1.25%	(30,942)
Legal fees		0.50%	(12,377)
Interest on land finance	18 months	6.50%	(227,470)
RESIDUAL LAND VALUE			2,105,558

	Existing use value			
	Assumes existing space is 33% of new	9,900		
	Rent per sq ft	£19 psf		
	Rental income per annum	183,150		
ı	Rent free/voids (years)	24	0.9346	
	Total revenue, capitalised (including all costs)	24	7.50%	2,282,293
1	rotal forollas, supraniosa (including an ossie)		1.0070	2,202,200
	Refurbishment costs	£50 psf	495,000	
	Fees	7%	34,650	
	Purchaser's costs	5.75%		100,777
_	Eviatina vas valva			4 654 966
-	Existing use value			1,651,866
	Landowner premium	20%		1,982,239
	Editaowiici premium	2070		1,302,203
	Surplus available to fund CIL			123,319
	Per sqm (total scheme)			44
	Per sqm (net additional floorspace only)			66

Use class:	RETAIL
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Rental Income	Area		£ psf	£pe	er annum
Rent - area 1		10,000	23.00		230,000
Rent - area 2		10,000	23.00		230,00
Rent - area 3		10,000	23.00		230,00
Total rental income		30,000			690,00
Rent free/voids (years)		24	0.93	46	
Total revenue, capitalised (including all costs)			6.7	5%	9,553,68

DEVELOPMENT COSTS			
Development Costs			
Demolition costs	£5 psf 9,900 sqt		75,000
Building costs	£96 psf		2,880,000
Area	35,294		
External works			288,000
Professional fees		11.00%	356,730
Section 106 costs			Excl
Disposal Costs			
Letting Agent's fee (% of rent)		10.00%	69,000
Agent's fees (on capital value)		1.00%	95,537
Legal fees (% of capital value)		0.75%	71,653
Interest on Finance			
Total development duration	18 months		
Loan arrangement fee		1.00%	35,997
On 50% of Construction Costs	12 months	6.50%	116,991
<u>Profit</u>			
Developer's profit on Total Revenue		20.00%	1,910,738
TOTAL DEVELOPMENT COSTS			5,899,646

LAND VALUE			
Land surplus			3,654,043
Stamp duty		4.00%	(146,162)
Agent's fees		1.25%	(45,676)
Legal fees		0.50%	(18,270)
Interest on land finance	18 months	6.50%	(335,784)
RESIDUAL LAND VALUE			3,108,152

L				
	RESIDUAL LAND VALUE			3,108,152
	Existing use value	0.000		
	Assumes existing space is 33% of new	9,900		
	Rent per sq ft	£22 psf		
	Rental income per annum	217,800		
ı	Rent free/voids (years)	24	0.9346	
	Total revenue, capitalised (including all costs)		7.50%	2,714,078
ı	rotal revenue, capitalised (molading all cools)		1.0070	2,,
	Refurbishment costs	£50 psf	495,000	
	Fees	7%	34,650	
	Purchaser's costs	5.75%		125,605
_				
_	Existing use value			2,058,824
		2001		0 470 500
	Landowner premium	20%		2,470,589
	Surplus available to fund CIL			637,563
	Sulpius available to luliu OIL			037,303
	Per sqm (total scheme)			229
	Per sqm (net additional floorspace only)			341
	, ,			

Use class:	RETAIL
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Rental Income	Area		£ psf		£ per a	nnum
Rent - area 1		10,000	2	5.00		250,00
Rent - area 2		10,000	2	5.00		250,00
Rent - area 3		10,000	2	5.00		250,00
Total rental income		30,000				750,00
Rent free/voids (years)		24		0.9346		
Total revenue, capitalised (including all costs)				6.75%		10,384,44

DEVELOPMENT COSTS			
Development Costs			
Demolition costs	£5 psf 9,900 sqt		75,000
Building costs	£96 psf		2,880,000
Area	35,294		
External works			288,000
Professional fees		11.00%	356,730
Section 106 costs			Excl
Disposal Costs			
Letting Agent's fee (% of rent)		10.00%	75,000
Agent's fees (on capital value)		1.00%	103,844
Legal fees (% of capital value)		0.75%	77,883
Interest on Finance			
Total development duration	18 months		
Loan arrangement fee		1.00%	35,997
On 50% of Construction Costs	12 months	6.50%	116,991
Profit			
Developer's profit on Total Revenue		20.00%	2,076,889
TOTAL DEVELOPMENT COSTS			6,086,335

LAND VALUE			
Land surplus			4,298,109
Stamp duty		4.00%	(171,924)
Agent's fees		1.25%	(53,726)
Legal fees		0.50%	(21,491)
Interest on land finance	18 months	6.50%	(394,969)
RESIDUAL LAND VALUE			3,655,999

H	RESIDUAL LAND VALUE			3,655,999
<u> </u>				3,000,000
	Existing use value Assumes existing space is 59% of new	9,900		
	Rent per sq ft	£23 psf		
	Rental income per annum	227,700		
I	Rent free/voids (years)	24	0.9346	
	Total revenue, capitalised (including all costs)		7.50%	2,837,446
	Refurbishment costs	£50 psf	495,000	
	Fees	7%	34,650	
	Purchaser's costs	5.75%		132,698
	Existing use value			2,175,097
	Landowner premium	20%		2,610,117
	Surplus available to fund CIL			1,045,882
	Per sqm (total scheme) Per sqm (net additional floorspace only)			375 560
	i ei syin (net additional noorspace only)			360

Commercial Development

GROSS DEVELOPMENT VALUE

EVELOPMENT VALUE					
Rental Income	Area		£ psf		£ per annum
Rent - area 1		10,000	ç	9.0	90,000
Rent - area 2		10,000	ç	9.0	90,000
Rent - area 3		10,000	(9.0	90,000
Total rental income		30,000			270,000
Rent free/voids (years)		24		0.9346	
Total revenue, capitalised (including all costs)				9.00%	2,803,800

Use class:

WAREHOUSING

DEVELOPMENT COSTS			
Development Costs			
Demolition costs	£5 psf 15,000 sqt		75,000
Building costs	£70 psf		2,100,000
Area	31,579		
External works			210,000
Professional fees		9.00%	214,650
Section 106 costs			Excl
Disposal Costs			
Letting Agent's fee (% of rent)		10.00%	27,000
Agent's fees (on capital value)		1.00%	28,038
Legal fees (% of capital value)		0.75%	21,029
Interest on Finance			
Total development duration	15 months		
Loan arrangement fee		1.00%	25,997
On 50% of Construction Costs	9 months	6.50%	63,366
Profit			
Developer's profit on Total Revenue		20.00%	560,760
TOTAL DEVELOPMENT COSTS			3,325,839

LAND VALUE			
Land surplus			(522,039)
Stamp duty		4.00%	20,882
Agent's fees		1.25%	6,525
Legal fees		0.50%	2,610
Interest on land finance	18 months	6.50%	47,972
RESIDUAL LAND VALUE			(444.050)

	Existing use value Assumes existing space is 59% of new Rent per sq ft Rental income per annum	17,700 £6 psf 106,200		
	Rent free/voids (years) Total revenue, capitalised (including all costs)	24	0.9346 8.00%	1,240,682
	Refurbishment costs Fees	£35 psf 7%	619,500 43,365	
	Purchaser's costs	5.75%		33,224
_	Existing use value			544,592
	Landowner premium	20%		653,510

Surplus available to fund CIL (1,097,560)

Per sqm (total scheme)(394)Per sqm (net additional floorspace only)(960)

Use class:	WAREHOUSING
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Rental Income	Area		£ psf		£ per ann	um
Rent - area 1		10,000		10.0		100,000
Rent - area 2		10,000		10.0		100,000
Rent - area 3		10,000		10.0		100,000
Total rental income		30,000				300,000
Rent free/voids (years)		24		0.9346		
Total revenue, capitalised (including all costs)				9.00%		3,115,33

DEVELOPMENT COSTS			
Development Costs			
Demolition costs	£5 psf 15,000 sqt		75,000
Building costs	£70 psf		2,100,000
Area	31,579		
External works			210,000
Professional fees		9.00%	214,650
Section 106 costs			Excl
Disposal Costs			
Letting Agent's fee (% of rent)		10.00%	30,000
Agent's fees (on capital value)		1.00%	31,153
Legal fees (% of capital value)		0.75%	23,365
Interest on Finance			
Total development duration	15 months		
Loan arrangement fee		1.00%	25,997
On 50% of Construction Costs	9 months	6.50%	63,366
Profit			
Developer's profit on Total Revenue		20.00%	623,067
TOTAL DEVELOPMENT COSTS			3,396,598

LAND VALUE			
Land surplus			(281,265)
Stamp duty		4.00%	11,251
Agent's fees		1.25%	3,516
Legal fees		0.50%	1,406
Interest on land finance	18 months	6.50%	25,846
RESIDUAL LAND VALUE			(239,245)

RESIDUAL LAND VALUE			(239,245)
Existing use value Assumes existing space is 59% of new Rent per sq ft Rental income per annum	17,700 £6.5 psf 115,050		
Rent free/voids (years) Total revenue, capitalised (including all costs)	24	0.9346 8.00%	1,344,072
Refurbishment costs Fees	£35 psf 7%	619,500 43,365	
Purchaser's costs	5.75%		39,169
Existing use value			642,037
Landowner premium	20%		770,445
Surplus available to fund CIL			(1,009,690)
Per sqm (total scheme) Per sqm (net additional floorspace only)			(362) (884)
	Existing use value Assumes existing space is 59% of new Rent per sq ft Rental income per annum Rent free/voids (years) Total revenue, capitalised (including all costs) Refurbishment costs Fees Purchaser's costs Existing use value Landowner premium Surplus available to fund CIL Per sqm (total scheme)	Existing use value Assumes existing space is 59% of new 17,700 Rent per sq ft £6.5 psf Rental income per annum 115,050 Rent free/voids (years) 24 Total revenue, capitalised (including all costs) Refurbishment costs £35 psf Fees 7% Purchaser's costs 5.75% Existing use value Landowner premium 20% Surplus available to fund CIL Per sqm (total scheme)	Existing use value 17,700 Assumes existing space is 59% of new 17,700 Rent per sq ft £6.5 psf Rental income per annum 115,050 Rent free/voids (years) 24 0.9346 Total revenue, capitalised (including all costs) 8.00% Refurbishment costs £35 psf 619,500 Fees 7% 43,365 Purchaser's costs 5.75% Existing use value Landowner premium 20%

Commercial Development

Area	£ psf	£ per annum
10,00	00 11.0	110,000
10,00	00 11.0	110,000
10,00	00 11.0	110,000
30,00	00	330,000
	10,00 10,00 10,00	10,000 11.0 10,000 11.0

Use class:

WAREHOUSING

Rent free/voids (years) 24 0.9346
Total revenue, capitalised (including all costs) 9.00% 3,426,867

GROSS DEVELOPMENT VALUE 3,426,867

DEVELOPMENT COSTS			
Development Costs			
Demolition costs	£5 psf 15,000 sqt		75,000
Building costs	£70 psf		2,100,000
Area	31,579		
External works			210,000
Professional fees		9.00%	214,650
Section 106 costs			Excl
Disposal Costs			
Letting Agent's fee (% of rent)		10.00%	33,000
Agent's fees (on capital value)		1.00%	34,269
Legal fees (% of capital value)		0.75%	25,702
Interest on Finance			
Total development duration	15 months		
Loan arrangement fee		1.00%	25,997
On 50% of Construction Costs	9 months	6.50%	63,366
Profit			
Developer's profit on Total Revenue		20.00%	685,373
TOTAL DEVELOPMENT COSTS			3,467,356

LAND VALUE			
Land surplus			(40,490)
Stamp duty		4.00%	1,620
Agent's fees		1.25%	506
Legal fees		0.50%	202
Interest on land finance	18 months	6.50%	3,721
RESIDUAL LAND VALUE			(34,441)

Existing use value Assumes existing space is 59% of new Rent per sq ft Rental income per annum	17,700 £7 psf 123.900		
Rent free/voids (years) Total revenue, capitalised (including all costs)	24	0.9346 8.00%	1,447,462
Refurbishment costs Fees	£35 psf 7%	619,500 43,365	
Purchaser's costs	5.75%		45,114
Existing use value			739,482

 Existing use value
 739,482

 Landowner premium
 20%
 887,379

Surplus available to fund CIL (921,820)

Per sqm (total scheme) (331)
Per sqm (net additional floorspace only) (807)

Use class:	WAREHOUSING
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10,000	12.0	
	12.0	120,000
10,000	12.0	120,00
10,000	12.0	120,00
30,000		360,00
24	0.934	6
	9.00	% 3,738,40
	10,000 30,000	10,000 12.0 30,000 24 0.934

DEVELOPMENT COSTS			
Development Costs			
Demolition costs	£5 psf 15,000 sqt		75,000
Building costs	£70 psf		2,100,000
Area	31,579		,,
External works	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		210,000
Professional fees		9.00%	214,650
Section 106 costs			Excl
Disposal Costs			
Letting Agent's fee (% of rent)		10.00%	36,000
Agent's fees (on capital value)		1.00%	37,384
Legal fees (% of capital value)		0.75%	28,038
Interest on Finance			
Total development duration	15 months		
Loan arrangement fee		1.00%	25,997
On 50% of Construction Costs	9 months	6.50%	63,366
Profit Profit			
Developer's profit on Total Revenue		20.00%	747,680
TOTAL DEVELOPMENT COSTS			3,538,115

LAND VALUE			
Land surplus			200,285
Stamp duty		4.00%	(8,011)
Agent's fees		1.25%	(2,504)
Legal fees		0.50%	(1,001)
Interest on land finance	18 months	6.50%	(18,405)
RESIDUAL LAND VALUE			170,364

	Existing use value Assumes existing space is 59% of new Rent per sq ft Rental income per annum	17,700 £7.5 psf 132,750		
	Rent free/voids (years) Total revenue, capitalised (including all costs)	24	0.9346 8.00%	1,550,852
	Refurbishment costs Fees	£35 psf 7%	619,500 43,365	
	Purchaser's costs	5.75%		51,059
Ξ	Existing use value			836,928
	Landowner premium	20%		1,004,313
	Surplus available to fund CIL			(833,949)
	Per sqm (total scheme) Per sqm (net additional floorspace only)			(299) (730)

Use class:	WAREHOUSING

EVELOPMENT VALUE						
Rental Income	Area		£ psf		£ per annum	
Rent - area 1		10,000		9.0		0,000
Rent - area 2		10,000		9.0	g	0,000
Rent - area 3		10,000		9.0	9	0,000
Total rental income		30,000			27	0,000
Rent free/voids (years)		24		0.9346		
Total revenue, capitalised (including all costs)				9.00%	2,80	3,800
GROSS DEVELOPMENT VALUE					2.00	3,800

DEVELOPMENT COSTS			
Development Costs			
Demolition costs	£5 psf 15,000 sqt		75,000
Building costs	£70 psf		2,100,000
Area	31,579		,,
External works	, , ,		210,000
Professional fees		9.00%	214,650
Section 106 costs			Excl
Disposal Costs			
Letting Agent's fee (% of rent)		10.00%	27,000
Agent's fees (on capital value)		1.00%	28,038
Legal fees (% of capital value)		0.75%	21,029
Interest on Finance			
Total development duration	15 months		
Loan arrangement fee		1.00%	25,997
On 50% of Construction Costs	9 months	6.50%	63,366
<u>Profit</u>			
Developer's profit on Total Revenue		20.00%	560,760
TOTAL DEVELOPMENT COSTS			3,325,839

LAND VALUE			
Land surplus			(522,039)
Stamp duty		4.00%	20,882
Agent's fees		1.25%	6,525
Legal fees		0.50%	2,610
Interest on land finance	18 months	6.50%	47,972
RESIDUAL LAND VALUE			(444,050)

Existing use value Assumes existing space is 33% of new Rent per sq ft Rental income per annum	9,900 £5.5 psf 54,450		
Rent free/voids (years) Total revenue, capitalised (including all costs)	24	0.9346 8.00%	636,112
Refurbishment costs Fees	£15 psf 7%	148,500 10,395	
Purchaser's costs	5.75%		27,440
Existing use value			449,777
Landowner premium	20%		539,733
Surplus available to fund CIL			(983,783)
Per sqm (total scheme) Per sqm (net additional floorspace only)			(353) (527)

Commercial Development

Use class:	STUDENT HSG
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100,000

Rental Income				
Annual rent per unit - term time (95% occupancy)	42	weeks	87.875	3,690,75
Annual rent per unit - summer (50% occupancy)		weeks	47,500	380,00
Operating costs	500	units	2,100	(1,050,000
Net annual rents				3,020,75
Total revenue, capitalised (including all costs)			7.00%	43,153,57
GROSS DEVELOPMENT VALUE				43,153,57

EVELOPMENT COSTS			
Development Costs			
Demolition costs	£5 psf 33,000 sqt		75,0
Building costs	£125 psf		12,500,0
Area	117,647		
External works			1,250,0
Professional fees		10.00%	1,382,5
Section 106 costs			E
Disposal Costs			
Letting Agent's fee (% of rent)		0.00%	
Agent's fees (on capital value)		1.00%	431.5
Legal fees (% of capital value)		0.75%	323,6
Interest on Finance			
Total development duration	24 months		
Loan arrangement fee		1.00%	152,0
On 50% of Construction Costs	24 months	6.50%	988,4
Profit			
Developer's profit on Total Revenue		20.00%	8,630,7
TOTAL DEVELOPMENT COSTS			25,733,9

LAND VALUE			
Land surplus			17,419,607
Stamp duty		4.00%	(696,784)
Agent's fees		1.25%	(217,745)
Legal fees		0.50%	(87,098)
Interest on land finance	24 months	6.50%	(2,134,337)
RESIDUAL LAND VALUE			14.283.642

RESIDUAL LAND VALUE			14,283,642
Existing use value Assumes existing space is 50% of new Rent per sq ft Rental income per annum	50,000 £20 psf 1,000,000		
Rent free/voids (years) Total revenue, capitalised (including all costs)	24	0.9346 7.00%	13,351,429
Refurbishment costs Fees	£50 psf 7%	2,500,000 175,000	
Purchaser's costs	5.75%		613,895
Existing use value			10,062,534
Landowner premium	20%		12,075,041
Surplus available to fund CIL			2,208,602
Per sqm (total scheme) Per sqm (net additional floorspace only)			238 475

Commercial Development

GROSS DEVELOPMENT VALUE

EVELOPMENT VALUE			
Capital value	Area 63,750		
Capital value per room	150 rooms	110,000.0	16,500,000
Total capital value	63,750		16,500,000

HOTEL

16,500,000

Use class:

DEVELOPMENT COSTS			
DEVELOPMENT COSTS			
Development Costs			
Demolition costs	£5 psf 19,125 sqt		75,000
20110111011 00010	· · · · · · · · · · · · · · · · · · ·		8,191,875
Building costs Area	£129 psf		0,191,073
External works	67,105		040 400
= Atomar Works		0.000/	819,188
Professional fees		9.00%	817,746
Section 106 costs			Excl
Disposal Costs			
Letting Agent's fee (% of rent)		0.00%	-
Agent's fees (on capital value)		1.00%	165,000
Legal fees (% of capital value)		0.75%	123,750
Interest on Finance			
Total development duration	24 months		
Loan arrangement fee		1.00%	99,038
On 50% of Construction Costs	18 months	6.50%	482,811
Profit			
Developer's profit on Total Revenue		20.00%	3,300,000
TOTAL DEVELOPMENT COSTS			14,074,407

LAND VALUE			
Land surplus			2,425,593
Stamp duty		4.00%	(97,024)
Agent's fees		1.25%	(30,320)
Legal fees		0.50%	(12,128)
Interest on land finance	18 months	6.50%	(222,897)
RESIDUAL LAND VALUE			2,063,225

Existing use value Assumes existing space is 33% of new Rent per sq ft Rental income per annum	21,038 £6 psf 126,225		
Rent free/voids (years) Total revenue, capitalised (including all costs)	24	0.9346 8.00%	1,474,624
Refurbishment costs Fees	£35 psf 7%	736,313 51,542	
Purchaser's costs	5.75%		39,489
Existing use value			647,280
Landowner premium	20%		776,736
Surplus available to fund CIL			1,286,489
Per sqm (total scheme) Per sqm (net additional floorspace only)			217 324

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Draft Charging Schedule

London Borough of Brent

Planning Act 2008 - Community Infrastructure Levy Regulations 2010

The Community Infrastructure Levy (CIL) is a new system of securing developer contributions through the planning system which local authorities are empowered, but not required, to charge on new development in their area. The levy can be used to fund infrastructure that supports growth and sustainable development.

CIL is a charge on new development, expressed as a cost per square metre, set at the time planning permission is granted and paid on commencement of the development, or in accordance with an instalment policy adopted by the local authority. In London CIL can be set by the local authority and by the Mayor of London. CIL is applied to any development resulting in a net increase of more than 100m^2 of floor space or where one or more dwellings are created by the development. For the avoidance of doubt, a material change of use, or conversion, of any land or building is not development for the purposes of CIL. Affordable housing and developments by charities for charitable purposes are exempt from CIL. The London Borough of Brent is proposing to charge differential rates of CIL dependent on land use.

CHARGING SCHEDULE

The London Borough of Brent is a charging authority according to Part 11 of the Planning Act 2008. Brent is proposing to charge the Community Infrastructure Levy in respect of development across all of the London Borough of Brent at the following rates relative to the proposed land use (expressed as pounds per square metre).

This Preliminary Draft Charging Schedule has been issued, approved and published in accordance with Part 11 of the Planning Act 2008 and the Community Infrastructure Regulations 2010, as amended.

USE	CHARGE PER SQM
Hotel (Use Class C1), Residential (Use Classes C3 & C4), Residential Institutions, except Hospitals, (Use Class C2) and all Sui Generis uses except Student Accommodation, Theatres, Fire Stations and Police Stations.	£200
Student Accommodation	£300

Office (Use Class B1a)	£40
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants & Cafes (Use Class A3), Drinking Establishments (Use Class A4), Hot Food Takeaways (Use Class A5)	£80
Assembly and Leisure, excluding Public Swimming Pools (Use ClassD2)	£5
Light Industry and Research & Development (Use Class B1b&c), General Industrial (Use Class B2), Storage & Distribution (Use Class B8), Health, Education, Public Libraries, Museums, Public Halls and Places of Worship (Use Class D1a-h), Hospitals, Public Swimming Pools, Public Transport Stations, Theatres, Fire Stations and Police Stations.	£0 (Zero Charge)

^{*}The above charge will apply across all of Brent, in addition to any Mayoral CIL

Calculating the Chargeable CIL

CIL applies to the gross internal area of the net increase in development (Regulation 14). The amount to be charged for each development will be calculated in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010. For the purposes of the formulae in paragraph 5 of Regulation 40 (set out below), the relevant rate (R) is the differential rate relating to each specific use as set out in this Charging Schedule.

Calculation of chargeable amount

(1) The collecting authority must calculate the amount of CIL payable ("chargeable amount") in respect of a chargeable development in accordance with this regulation.

(2) The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.
(3) But where that amount is less than £50 the chargeable amount is deemed to be zero.
(4) The relevant rates are the rates at which CIL is chargeable in respect of the chargeable development taken from the charging schedules which are in effect—
(a) at the time planning permission first permits the chargeable development; and
(b) in the area in which the chargeable development will be situated.
(5) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula—
$R \times A \times I_P$
I_c
where—
A = the deemed net area chargeable at rate R
I_P = the index figure for the year in which planning permission was granted; an
I_c = the index figure for the year in which the charging schedule containing rate R took effect.
(6) The value of A in paragraph (5) must be calculated by applying the following formula—
$C_R \times (C - E)$
C
where—
C_R = the gross internal area of the part of the chargeable development chargeable at rate R, less an amount equal to the aggregate of the gross internal area of all buildings (excluding any new build) or

(a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use; (b) will be part of the chargeable development upon completion; and (c) will be chargeable at rate R. C = the gross internal area of the chargeable development; and E = an amount equal to the aggregate of the gross internal areas of all buildings which— (a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use; and (b) are to be demolished before completion of the chargeable development. (7) The index referred to in paragraph (5) is the national All-in Tender Price Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors; and the figure for a given year is the figure for 1st November of the preceding year. (8) But in the event that the All-in Tender Price Index ceases to be published, the index referred to in paragraph (5) is the retail prices index; and the figure for a given year is the figure for November of the preceding year. (9) Where the collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish— (a) the gross internal area of a building situated on the relevant land; or (b) whether a building situated on the relevant land is in lawful use, the collecting authority may deem the gross internal area of the building to be zero.	
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for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.	for a continuous period of at least six months within the period of 12 months ending on the day

- (11) In this regulation "building" does not include—
- (a) a building into which people do not normally go;
- (b) a building into which people go only intermittently for the purpose of maintaining or inspecting machinery; or
- (c) a building for which planning permission was granted for a limited period.
- (12) In this regulation "new build" means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings.

CONSULTATION

The Council are now consulting on the above Draft Charging Schedule as the next step in working towards adopting a CIL Charging Schedule. This Draft Charging Schedule and the proposed CIL rates for different planning uses have been established through the use of appropriate available evidence which includes:

- The adopted Local Development Framework Core Strategy and Site Specific Allocations
- The adopted and revised Infrastructure & Investment Framework
- The Community Infrastructure Levy Viability Study

These documents are available to view on the Council's website throughout the consultation period.

The Draft Charging Schedule is open for consultation between the 28th February 2012 and 27th March 2012. All comments should be received in writing by **5pm on 27th March** when the consultation will close. All comments received will be passed to the examiner for consideration during the examination in public (EIP) which is expected to take place in summer 2012. Should you wish to be heard by the examiner at the EIP you should include a written request alongside your representation before the consultation closes. You should also include your contact details, including a postal address, if you wish the Council to keep you notified of the following

- the submission of the Draft Charging Schedule for examination
- the recommendation of the examiner and the reasons for those recommendations
- the adoption of the Charging Schedule by the Council.

For further information on the proposed Charging Schedule, and to submit comments on the document please visit the Council's website at www.brent.gov.uk.

Alternatively, comments can be submitted via e-mail to <u>jonathan.kay@brent.gov.uk</u> or by post to Regeneration & Major Projects, Brent House, 2nd Floor East, 349-357 High Road, Wembley, Middlesex, HA9 6BZ. For any queries please call 020 8937 2348.

Please note that comments cannot be treated as confidential. They will be made available as public documents.

Draft Charging Schedule track changes against Preliminary Draft Charging Schedule

London Borough of Brent

Planning Act 2008 - Community Infrastructure Levy Regulations 2010

The Community Infrastructure Levy (CIL) is a new system of securing developer contributions through the planning system which local authorities are empowered, but not required, to charge on new development in their area. The levy can be used to fund infrastructure that supports growth and sustainable development.

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USE	CHARGE PER SQM
Hotel (Use Class C1), Residential (Use Classes C3 & C4), Residential Institutions, except Hospitals, (Use Class C2) and all Sui Generis uses except Student Accommodation, Theatres, Fire Stations and Police Stations.	£200
Student Accommodation	£300

Office (Use Class B1a)	£40
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants & Cafes (Use Class A3), Drinking Establishments (Use Class A4), Hot Food Takeaways (Use Class A5)	£80
Assembly and Leisure, excluding Public Swimming Pools (Use ClassD2)	£5
Light Industry and Research & Development (Use Class B1b&c), General Industrial (Use Class B2), Storage & Distribution (Use Class B8), Health, Education, Public Libraries, Museums, Public Halls and Places of Worship (Use Class D1a-h), Hospitals, Public Swimming Pools, Public Transport Stations, Theatres, Fire Stations and Police Stations.	£0 (Zero Charge)

^{*}The above charge will apply across all of Brent, in addition to any Mayoral CIL

Calculating the Chargeable CIL

CIL applies to the gross internal area of the net increase in development (Regulation 14). The amount to be charged for each development will be calculated in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010. For the purposes of the formulae in paragraph 5 of Regulation 40 (set out below), the relevant rate (R) is the differential rate relating to each specific use as set out in this Charging Schedule.

Calculation of chargeable amount

(1) The collecting authority must calculate the amount of CIL payable ("chargeable amount") in respect of a chargeable development in accordance with this regulation.

(2) The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.
(3) But where that amount is less than £50 the chargeable amount is deemed to be zero.
(4) The relevant rates are the rates at which CIL is chargeable in respect of the chargeable development taken from the charging schedules which are in effect—
(a) at the time planning permission first permits the chargeable development; and
(b) in the area in which the chargeable development will be situated.
(5) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula—
$R \times A \times I_P$
I_c
where—
A = the deemed net area chargeable at rate R
I_P = the index figure for the year in which planning permission was granted; an
I_c = the index figure for the year in which the charging schedule containing rate R took effect.
(6) The value of A in paragraph (5) must be calculated by applying the following formula—
$C_R \times (C - E)$
C
where—
C_R = the gross internal area of the part of the chargeable development chargeable at rate R, less an amount equal to the aggregate of the gross internal area of all buildings (excluding any new build) or

completion of the chargeable development which —
(a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use;
(b)will be part of the chargeable development upon completion; and
(c)will be chargeable at rate R.
C = the gross internal area of the chargeable development; and
E = an amount equal to the aggregate of the gross internal areas of all buildings which—
(a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use; and
(b) are to be demolished before completion of the chargeable development.
(7) The index referred to in paragraph (5) is the national All-in Tender Price Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors and the figure for a given year is the figure for 1st November of the preceding year.
(8) But in the event that the All-in Tender Price Index ceases to be published, the index referred to in paragraph (5) is the retail prices index; and the figure for a given year is the figure for November of the preceding year.
(9) Where the collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish—
(a) the gross internal area of a building situated on the relevant land; or
(b) whether a building situated on the relevant land is in lawful use, the collecting authority may deem the gross internal area of the building to be zero.
(10) For the purposes of this regulation a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.

- (11) In this regulation "building" does not include—
- (a) a building into which people do not normally go;
- (b) a building into which people go only intermittently for the purpose of maintaining or inspecting machinery; or
- (c) a building for which planning permission was granted for a limited period.
- (12) In this regulation "new build" means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings.

CONSULTATION

The Council are now consulting on the above Draft Charging Schedule as the next step in working towards adopting a CIL Charging Schedule. This Draft Charging Schedule and the proposed CIL rates for different planning uses have been established through the use of appropriate available evidence which includes:

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- The adopted and revised Infrastructure & Investment Framework
- The Community Infrastructure Levy Viability Study

These documents are available to view on the Council's website throughout the consultation period.

The Draft Charging Schedule is open for consultation between the 28th February 2012 and 27th March 2012. All comments should be received in writing by **5pm on 27th March** when the consultation will close. All comments received will be passed to the examiner for consideration during the examination in public (EIP) which is expected to take place in summer 2012. Should you wish to be heard by the examiner at the EIP you should include a written request alongside your representation before the consultation closes. You should also include your contact details, including a postal address, if you wish the Council to keep you notified of the following

- the submission of the Draft Charging Schedule for examination
- the recommendation of the examinetr and the reasons for those recommendations
- the adoption of the Charging Schedule by the Council.

For further information on the proposed Charging Schedule, and to submit comments on the document please visit the Council's website at www.brent.gov.uk.

Alternatively, comments can be submitted via e-mail to <u>jonathan.kay@brent.gov.uk</u> or by post to Regeneration & Major Projects, Brent House, 2nd Floor East, 349-357 High Road, Wembley, Middlesex, HA9 6BZ. For any queries please call 020 8937 2348.

Please note that comments cannot be treated as confidential. They will be made available as public documents.

Final Version of S106 Planning Obligations SPD

S106 Planning Obligations

Summary

Section 106 agreements (s106) are legal agreements between local authorities and developers, which are usually linked to planning permissions. These are also sometimes known as planning gain, planning benefits, community benefits or planning obligations. s106 agreements are used when there is a requirement to mitigate the impact of a development and the impact itself cannot, due to legislative restrictions, be dealt with through the imposition of planning conditions on the permission. Where they are required, developers would normally be expected to complete any s106 agreement before permission can be issued.

The introduction of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010, as amended, will result in significant changes to the way that developments contribute towards the provision of infrastructure that is required to support sustainable growth across the borough. Whilst previously contributions towards infrastructure were secured through s106 legal agreements, under a tariff, or standard, charging approach, in the future this approach will become less effective as a means of providing the necessary infrastructure due to restrictions on the pooling of contributions due to be introduced in April 2014 . Instead, in the future, the Council will seek to secure contributions towards Infrastructure through the imposition of a Community Infrastructure Levy which will provide a more appropriate and flexible way of securing contributions towards infrastructure from new developments.

Despite these changes to infrastructure funding, s106 agreements will continue to provide a valuable means of securing other site specific mitigation required in order to make developments acceptable in planning terms. This could include ensuring that developments meet sustainability objectives or provide sufficient levels of affordable housing although s106 agreements could be used to secure a much wider range of measures providing that they are:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

This Supplementary Planning Document (SPD) proposes to replace the previous s106 Planning Obligations SPD, which included a standard charge, with a policy document focused on mitigating the direct impacts of development.

Scope of the Supplementary Planning Document (SPD)

This document has been developed as part of the London Borough of Brent (LBB) Local Development Framework (LDF). The Town and Country Planning (Local Development) Regulations 2004, as amended, requires local authorities to go through an independent examination of their

Development Plan Documents (DPD), and the Council has already adopted the Core Strategy 2010, and the Site Specific Allocations 2011. The Council is also progressing, in parallel with this document its Community Infrastructure Levy Charging Schedule.

This Supplementary Planning Document, once adopted, will form part of the Local Development Framework and will a material consideration in the determination of planning applications. However, as the document is supplementary to higher level policy although it is required to go through a period of public consultation, it is not required to go through an independent examination.

Policy

This SPD has been produced in accordance with the following planning legislation and policy documents.

- Community Infrastructure Levy Regulations 2010, as amended
- Planning Policy Statement 12: Local Spatial Planning
- Circular 05/05 Planning Obligations
- The London Plan 2011
- The London Borough of Brent LDF Core Strategy

In particular, this guidance is intended to supplement the policies and supporting text contained in the LDF Core Strategy. Within the Core Strategy the following policies are considered to be of particular relevance in terms of supporting the general imposition of appropriate planning obligations.

- CP14 Public Transport Improvements
- CP15 Infrastructure to Support Development
- CP18 Protection and Enhancement of Open Space, Sports & Biodiversity
- CP19 Brent Strategic Climate Change Mitigation and Adaption Measures
- CP21 A Balanced Housing Stock
- CP23 Protection of existing and provision of new Community and Cultural Facilities

Standard Heads of Terms

Wherever possible, on all major developments, and on other developments that would be unacceptable in planning terms without adequate mitigation, the Council will seek to secure measures through s106 agreements that would allow sustainable development to proceed. Whilst it is acknowledged that the Heads of Terms for any s106 agreement should be based on the specific impacts of the proposed development, many proposals raise similar planning issues and therefore the following list has been produced as a guide to those Heads of Terms that are most likely to be included within any s106 agreement. This list is not intended to be in any way exclusive, or exhaustive, in terms of the planning obligations that may be considered necessary by the Council to make a particular development acceptable in planning terms. For example, some sites may have specific constraints, such as exceptional heritage or flood risk sensitivities, which will require the drafting of bespoke Heads of Terms to provide the necessary mitigation.

Transportation

Prior to any Occupation, repave, or reinstate, the footway adjoining the development to Council standards.

Adhere to a 'Permit-Free' scheme whereby occupants of the development would not be entitled to permits for any on-street controlled parking zone

Prior to any Occupation, submit for approval and adhere to a Travel Plan, including the provision of further mitigation if the targets within the Travel Plan are not met. The Travel Plan should be compatible with the i-trace software, or any successor.

Prior to any Occupation to submit for approval and adhere to a servicing agreement.

Prior to occupation, undertake agreed access and/or highway improvements. If this involves work to the public highway this may need to be subject to an agreement under s278 of the Highways Act 1980.

Sustainability

Sustainability - submission and compliance with the Council's Sustainability check-list ensuring a minimum of 50% score is achieved. Compliance with appropriate Code for Sustainable Homes/BREEAM, and carbon reduction standards in line with current local and regional planning policies. Adherence to the Demolition Protocol, with compensation should it not be delivered.

An appropriate reduction in the sites carbon emissions through on-site renewable generation, which has no detrimental effect on local Air Quality

Design in and allow a future connection of the site to any Decentralised Heat / Energy Network (in areas with a proposed DHE Network).

Provide compensatory measures for any adverse impacts on biodiversity

Housing

Specify the quantity and type of Affordable Housing to be provided on site. Normally Affordable Housing provision will be required on sites which have the capacity to provide 10 or more homes

and be defined and delivered at an appropriate level, tenure and unit size mix, including family accommodation, which contributes towards the wide range of borough household needs. Normally affordable housing provision will be required on-site, but in exceptional circumstances this may be provided off site or through cash in lieu contributions which may be pooled (subject to any legislative restrictions)

To secure the occupation of student housing to specified educational institutions

Public Realm & Open Space

Prior to any occupation provide street tree planting, and other landscape improvements, along the public frontage of the site.

To provide compensatory measures for any under provision of amenity space, when developments are assessed against the Council's amenity space standards

Provide, prior to occupation, and maintain a CCTV system.

Employment

Prior to a Material Start, inform in writing Brent In2 Work (or any successor) of the projected amount of construction jobs and training spaces. During construction target 1:10 of the projected amount of construction jobs to Brent residents and for every 1:100 jobs provide paid training for a previously unemployed Brent resident or Brent school leaver for a 6 month period.

Provide affordable employment or retail space within a development

Community & Cultural

Provide new, or compensatory, community or cultural facilities

Provide public access through a community agreement should the development include facilities suitable for community or cultural use

Miscellaneous

Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.

Join and adhere to the Considerate Contractors scheme

To ensure consistency and to provide developers with an outline of what is expected in terms of obligations, standard Heads of Terms have been established which will be provided to developers and agreed at the earliest point. The Heads of Terms will form an integral part of any report that may go before a planning committee, establishing the basic points of any agreement.

Infrastructure

Whilst the infrastructure required to mitigate the impact of new development and support sustainable growth will generally be delivered through the Community Infrastructure Levy (CIL), and other funding sources, it may still be possible to utilise powers under s106 to deliver specific infrastructure where this would be more appropriate. For example, where the development of exceptionally large site, or a small number of large sites within a particular locality, would likely give rise to specific infrastructure requirements, then the Council will consider using s106 agreements to secure infrastructure which would be provided by the site developer(s). Where the Council intends to use s106 obligations to provide infrastructure this will be detailed in the CIL Regulation 123 List which will be published on the Council's website.

Final Version of S106 Planning Obligations SPD track changes against Consultation Version

S106 Planning Obligations

Summary

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Start Finish Half 1, 2011 Half 2, 2011 Half 2, 2012 ID Task Name JAS Mon 01/08/11 Tue 25/10/11 Neighbourhood Engagement ——,LJ / BM Thu 01/09/11 Develop Neighbourhood Engagement Strategy (NES) for CIL Charging Mon 01/08/11 Shedule and expenditure Fri 02/09/11 Fri 02/09/11 TBC Internal approval for NES 3 Invite to key stakeholders, to various ACF. Press notice, Brent Magazine Mon 05/09/11 Mon 19/09/11 LJ / BM 4 LJ/BM/DC/JI/JK Tue 20/09/11 Tue 20/09/11 5 Harlesden ACF - Highlight I&IF, seek general support, ask for ideas for community projects s LJ/BM/DC/JI/JK Kilburn & Kensal ACF - Highlight I&IF, seek general support, ask for ideas for Wed 21/09/11 Wed 21/09/11 6 ELJ/BM/DC/JI/JK Willesden ACF - Highlight I&IF, seek general support, ask for ideas for commu Tue 11/10/11 Tue 11/10/1 7 Wed 12/10/11 a LJ / BM / DC / JI / JK Wed 12/10/11 8 Wembley ACF - Highlight I&IF, seek general support, ask for ideas for commu Tue 25/10/11 BLJ/BM/DC/JI/JK Kingsbury & Kenton ACF - Highlight I&IF, seek general support, ask for ideas 9 Tue 25/10/11 Wed 26/01/11 Tue 16/10/12 10 CIL Charging Shedule Wed 26/01/11 Wed 26/01/11 1 CW/ZA 11 DMT approval 12 Prepare Preliminary Draft Charging Schedule Thu 19/05/11 Thu 25/08/11 DC/LJ/BM/JK Wed 25/05/11 Fri 15/07/11 DC/JK/LJ/ATJ 13 Review I & IF Fri 23/09/11 JK/DC/LJ/BM Fri 08/07/11 14 Appoint viabilty consultants to test CIL level ı CW 15 Report to Policy Coordination Group Thu 28/07/11 Thu 28/07/11 RNP 16 Draft Viability Assessment Wed 07/09/11 Fri 09/09/11 17 Fri 09/09/11 Fri 09/09/11 09/09 Make any adjustments to the CIL Level 1 Board 18 CIL Board approval for Preliminary Draft Schedule & Exec Report Fri 16/09/11 Fri 16/09/11 Fri 23/09/11 1 BNP Fri 23/09/11 19 Final Viability Assessment Fri 14/10/11 DC / JK 20 Circulation for Executive Mon 12/09/11 17/10 21 Mon 17/10/11 Mon 17/10/11 Executive approval to consult Mon 12/12/11 22 Formal Consultation of Prelimery Draft Charging Shedule (6 weeks) Mon 31/10/11 23 Fri 06/01/12 DC / BM / JK Tue 13/12/11 Consider comments, agree changes Fri 10/02/12 DC / JK 24 Mon 09/01/12 Circulation for 2nd Executive -Board Page 25 CIL Board approval for Charging Schedule Thu 12/01/12 Thu 12/01/12 13/02 26 Mon 13/02/12 Mon 13/02/12 2nd Executive approval DC / LJ / BM / JK 27 Publish and consult on Draft Charging Schedule (4 weeks) Wed 29/02/12 Wed 28/03/12 -DC / BM / JK 28 Wed 28/03/12 Thu 31/05/12 Consider representations 15/06 29 Fri 15/06/12 Examination in Public Thu 31/05/12 30 Examiner Report issued for fact check Thu 02/08/12 Frl 03/08/12 O DC/LJ/BM/JK 31 Mon 06/08/12 Mon 27/08/12 Make any changes Mon 17/09/12 32 Examiner Final Report issued Mon 27/08/12 Wed 26/09/12 33 Mon 17/09/12 Make any changes ♦ 08/10 34 Full Council for adoption of Charging Schedule and new S106 SPD Mon 08/10/12 Mon 08/10/12 ♦ DC / KH / BM / JK 35 Publish adopted CIL Charging Schedule and S106 SPD Mon 15/10/12 Tue 16/10/12 Mon 15/10/12 36 Draft new S106 SPD Thu 26/05/11 Thu 26/05/11 Thu 25/08/11 DC/LJ/BM/JK 37 Prepare new Draft S106 SPD : Board 38 CIL Board approval for new Draft S106 SPD & Exec Report Fri 16/09/11 Fri 16/09/11 Fri 14/10/11 DC/JK 39 Circulation for Executive Mon 12/09/11 17/10 Mon 17/10/11 40 Executive approval to consult Mon 17/10/11 Mon 31/10/11 Mon 12/12/11 41 Formal Consultation on SPD (6 weeks) DC / BM / JK Fri 06/01/12 42 Consider comments, agree changes Tue 13/12/11 Board 43 Thu 12/01/12 CIL Board approval for S106 SPD (week commencing) Thu 12/01/12 Fri 10/02/12 DC / JK 44 Mon 09/01/12 Circulation to 2nd Executive ¥ 13/02 45 Mon 13/02/12 Mon 13/02/12 2nd Executive approval **6** 08/10 46 Mon 08/10/12 Mon 08/10/12 Full Council adoption Charging Schedule, Executive adoption S106 SPD ◆ DC / KH / BM / JK Publish adopted CIL Charging Schedule and S106 SPD Mon 15/10/12 Mon 15/10/12 47

Project: Cil. Project Plan Timetable v1 Date: Fri 06/01/12

Task
Progress
Summary
External Tasks
Deadline

\$
Split
Milestone
Project Summary
Fage 1

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