

Fareham Borough Council

**Community Infrastructure Levy Charging Schedule
Review**

**Regulation 19 Representation Statement
And
Statement of Modifications**

Regulation 19 Representation Statement

1. Fareham Borough Council consulted on a revised charging schedule for 6 weeks 19th June to 31st July. Publication of the consultation was undertaken considering the Covid 19 restrictions. Electronic and written notifications were sent to statutory consultees and every organisation and individual on the Planning Strategy consultation database. The announcement was also made on social media.
2. A total of 11 representations were made from organisations and individuals. The following sets out the representations made along with the response from the council.
3. The council has received no requests from representors to appear at the Examination.

Name / contact details	
An Individual Email address- [REDACTED]	
Summary of the main issues raised	Fareham Borough Council response
<p>If a CIL is justifiable then it MUST be uniform and consistent.</p> <p>There is absolutely no justification for the Welborne exception, it is just shifting the burden onto others. Welborne must be included and those residents must accept a fair and equal burden.</p> <p>The draft is not acceptable without this amendment.</p>	<p>The Community Infrastructure Levy is a planning charge on new development to fund new infrastructure projects to mitigate the impacts of that development. The development at Welborne was always intended to fund the infrastructure it requires to mitigate its impact through either on-site provision delivered by the developers such as open space and community facilities, or through a direct financial contribution (secured through a section 106 legal agreement) to infrastructure providers such as schools and off-site highway works. This was set out as a requirement in the adopted Welborne Plan (2015)</p> <p>The Council has worked with the landowners and developer to secure £300 million of costed infrastructure. This is being secured by legal agreement between the Council, developers and other organisations responsible for delivery. This approach will ensure timely and effective delivery of infrastructure on and off-site. In this scenario, an additional CIL charge would be detrimental to the viability of the scheme and would threaten the ability of the scheme to deliver some policy requirements such as affordable housing.</p> <p>It is considered that in the delivery of large sites such as Welborne, the use of Section 106 agreements is a much more effective way of delivering infrastructure. Therefore, with the requirement for this set in adopted policy, the Council feels that it is justified to remove the requirement to pay an additional CIL charge.</p>

Name / contact details	
An Individual Email address- [REDACTED]	
Summary of the main issues raised	Fareham Borough Council response
<p>Development at Welborne should pay a substantial sum for infrastructure. It is clear that the area is saturated in terms of utilities, transport, education and healthcare and the developer's will make huge profits for the building work. Thus, they should pay substantially to compensate the existing residents.</p> <p>I would support the infrastructure charges being even higher. Developers should contribute significantly to the infrastructure to support their building, perhaps exempting small fill in developments of 2 or 3 dwellings.</p>	<p>The Welborne Plan (2015) set out the assumption (para 10.51) that the Council anticipates that all or almost all developer contributions from Welborne will be secured through Section 106 Planning Obligations and therefore, it is likely that a differential CIL rate would be justified for Welborne.</p> <p>The current draft Section 106 legal secures over £300 million costed infrastructure on and off-site. Financial contributions will be secured for education and highways works (amongst others) which will be paid straight to the organisations responsible for delivery, the developers will be required to provide other aspects of infrastructure on-site such as community facilities. The Council is satisfied that the total infrastructure package for Welborne that the developer is funding/providing will ensure all the impacts will be mitigated, and that the Section 106 approach is the most appropriate and effective way of securing it.</p>

Name / contact details	
An Individual Email address- [REDACTED]	
Summary of the main issues raised	Fareham Borough Council response
<p>Why is Welborne exempt from any form of CIL? After all they will, I presume, eventually form a part of our community and they are certainly going to have to tap into things like doctor's surgeries, dentists, schools for quite a substantial period of time and many other facilities that will be required.</p> <p>One of the worst composed documents that I have come across in a long time. Pages in the wrong place, note 4 refers to note 2 which should be about gross retail floor area but the only note 2 that I can see refers to Welborne. The whole thing is a mess. It needs re-calling, re-composing PROPERLY and re-issuing in such a manner that it is both logically and grammatically correct.</p>	<p>The revised Charging Schedule proposes that Welborne be exempt from CIL as it will be paying financial contributions directly to providers such as education authority, highway authority and the NHS to provide infrastructure, or be providing the infrastructure on site. The developers will be providing £300 million of costed infrastructure. For a large site such as Welborne, the Section 106 approach is considered a more suitable way forward as it directly links the contributions to the infrastructure required, and ensures the providers receive the money when they need it. Contributions and on site provision will be tied to the planning permission through a Section 106 legal agreement, that ensures obligations are paid, or infrastructure provided, at set points before housing phases are commenced, completed or occupied.</p> <p>The Charging Schedule follows a standard layout. The Council acknowledges that 'Note 4' should refer to 'Note 3' and not 'Note 2' as it currently does. This will be put forward as a proposed modification along with clearer reference to annex maps.</p>

Name / contact details	
Winchester City Council Email address- [REDACTED]	
Summary of the main issues raised	Fareham Borough Council response
Winchester City Council has no comment to the Draft Charging Schedule.	Noted.

Name / contact details	
Historic England Email address- [REDACTED]	
Summary of the main issues raised	Fareham Borough Council response
Historic England do not wish to make any comment.	Noted.

Name / contact details	
An Individual Email address- [REDACTED]	
Summary of the main issues raised	Fareham Borough Council response
<p>In the original proposals for this development, it was agreed by all parties the amount of affordable housing that should be included. Now before a single brick has been laid, reasons for not complying with this are being floated. If the levy is waived, then there is no leverage on the developer to comply. I think that the levy should remain in place.</p> <p>If, on completion of the project, just cause can be proven, then these levies could be returned (in some form of rebate) in order to maintain a sensible and reasonable amount of profit.</p>	<p>The Charging Schedule is removing the CIL liability for Welborne as the developer contributions for this site will be secured through the Section 106 legal agreement. This will ensure that the infrastructure required to mitigate the impacts of the development will be delivered in a timely efficient manner as and when they are needed. This approach does not reduce the requirement on the developer to contribute to infrastructure delivery, with over £300 million of costed infrastructure being delivered on and off-site as part of the development.</p> <p>The viability shows that an additional CIL charge on top of the agreed contributions would make the scheme unviable or compromise the ability of the developer to provide other policy requirements such as affordable housing. Removing the CIL liability and ensuring the infrastructure is delivered through the Section 106 is the most effective mechanism for ensuring what is needed is delivered.</p>

Name / contact details	
Buckland Development Email address- [REDACTED]	
Summary of the main issues raised	Fareham Borough Council response
<p>Buckland are the promoters and master developers of Welborne.</p> <p>We support the viability work which has been undertaken by the Council to underpin this CIL Charging Schedule Review. We support the zero CIL rating of the Welborne site, as, given the scale of infrastructure contribution to be provided through the Welborne S106 agreement, any CIL payment would either impinge on the</p>	Noted.

<p>delivery of this infrastructure, or the delivery of affordable housing on site. It is important to note that the same conclusion regarding CIL (ie. that Welborne should be zero rated) was found during the independent viability review of the Outline Planning Application by CBRE. Therefore, it is considered critical that Welborne is zero rated as soon as possible, to enable the swift delivery of homes and infrastructure on this long allocated site.</p>	
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Name / contact details	
The Environment Agency Email address- [REDACTED]	
Summary of the main issues raised	Fareham Borough Council response
The Environment Agency have reviewed the associated documents with the consultation and do not have comments to make at this time.	Noted.

Name / contact details	
The British Horse Society Email address- [REDACTED]	
Summary of the main issues raised	Fareham Borough Council response
The Society has no objection to the proposed zero CIL charge for the Welborne development and no further comments at this stage.	Noted.

Name / contact details	
Savills Email address- [REDACTED]	
Summary of the main issues raised	Fareham Borough Council response
<p>We refer to the above consultation. As Officers will be aware we act for the owners of Fareham Shopping Centre.</p> <p>Whilst we appreciate the consultation relates to Welborne, we consider that a review of the CIL charging regime should review the following:</p> <ol style="list-style-type: none"> 1. Whether it is appropriate to charge CIL for food retail uses in the Borough's town centres? 2. Whether it is appropriate to take a standardised CIL charging rate to the delivery of residential development in town centres? <p>Our view is that continuing with the existing regime could pose a barrier to investment and the delivery of development within town centres that would harm the objective to</p>	<p>This review of the charging schedule was intended to address the liability issue around Welborne, with all other rates and development to remain the same. The Council shall be undertaking a full review of the CIL Charging Schedule following adoption of the Local Plan likely summer/autumn 2021.</p> <p>The full review will be based on the Local Plan Viability Study (November 2019) and Infrastructure Delivery Plan and will review/consider all the existing charges and types of development liable.</p> <p>The Council will welcome discussions in advance of the full review process regarding the case for alterations to the town centre uses.</p>

ensure their vitality and viability and we would be grateful for the opportunity to discuss further if you could provide dates for a meeting at the earliest opportunity.

Name / contact details

Hampshire County Council

Email address-

[REDACTED]

Summary of the main issues raised

Thank you for consulting Hampshire County Council on the draft charging scale.

As service provider we have no specific comments to make on the proposed charging schedule.

However, clarity is sought about how the CIL funds will be used, especially in relation to infrastructure provided by the County. We would welcome a discussion to develop a spending protocol or mechanism to ensure the support and delivery of County Council infrastructure from the funds collected.

Fareham Borough Council response

Noted. The Council will set out its anticipated spending plan for CIL in its Infrastructure Funding Statement (IFS) to be published by December 2020.

The Council will consider priorities for CIL funding through the IFS based on preferred approaches to delivery. This will include where the County Council has previously sought to remove some infrastructure types (education, highways) from the Regulation 123 list in order to secure works through section 106.

Statement of Modifications

- 1.1. The Council has decided to amend the explanatory notes set out in the Revised Draft Charging Schedule, and as such have prepared this Statement of Modifications.
- 1.2. Under the provisions of the CIL Regulations 2010 (as amended), the Council is able to modify the CIL Draft Charging Schedule following publication and consultation. Where changes are proposed the Council is required to produce a Statement of Modifications, inform consultation bodies invited to make representations on the Draft Charging Schedule, and provide an opportunity to request a right to be heard by the Examiner in relation to the proposed changes.
- 1.3. This Statement of Modifications sets out the modifications which have been made to Fareham Borough Council's Revised Draft Charging Schedule.
- 1.4. The Draft Charging Schedule was published for consultation on 19th June 2020 for six weeks. The Council received representations from 11 respondents to the Revised Draft Charging Schedule within this consultation period, which ended on 31st July 2020. There were no requests to be heard at the examination.
- 1.5. As required under Regulation 19 of the Regulations, a copy of this Statement of Modifications has been sent to each of the persons that made a representation under Regulation 15 and it has been published on the Council's website at: http://www.fareham.gov.uk/planning/local_plan/cil.
- 1.6. Any person may further request to be heard by the Draft Charging Schedule's Examiner in relation to the modifications set out in this document. Any request must be made to the Council within four beginning with the day on which the Draft Charging Schedule is submitted to the Examiner in accordance with Regulation 19 (1). Any representation requests must only be in relation to the modifications set out in this document. The Charging Schedule and supporting document was submitted for examination on Monday 24th August 2020.
- 1.7. Any request to be heard by the Examiner in relation to these modifications must be:
 - Submitted to Fareham Borough Council in writing before **5pm Friday 18th September 2020**.
 - Include details of the modifications (by reference to this Statement of Modifications) on which the person wishes to be heard.
- 1.8. Persons requesting to be heard should indicate whether they support or oppose the modifications and explain why. In accordance with the Regulations, a copy of each request to be heard in relation to these modifications will be forwarded to the Examiner.
- 1.9. Requests to be heard may be withdrawn at any time before the opening of the Examination by giving notice in writing to Fareham Borough Council.
- 1.10. A request to be heard by the Examiner in relation to these modifications must be made in writing by post or email to:

Planning Strategy
Fareham Borough Council
Civic Offices
Civic Way
Fareham
PO16 7AZ
Email: planningpolicy@fareham.gov.uk

Proposed Modifications:

The proposed modifications relate to the explanatory notes to the Charging Rates table of the Revised Draft Charging Schedule. It is proposed to modify the table and Note 4 in the manner set out below:

Proposed Modification 1:			
Alterations to the annex referencing in the Charging Rates Table	CIL charge per m²		
	Type of Development (see Note 1 below)	Rest of Fareham Borough	Welborne (see <i>Annex 1 and Note 2 below</i>)
	Residential falling within Class C3(a) & (c) and C4	£105 ¹	£0
	Care homes falling within Class C3(b) and C2	£60	£0
	Hotels falling within Class C1	£35	£0
	Retail falling within Class A1:		
	Comparison retail (see Note 3 below) in the centres as shown on the maps annexed to this schedule <i>at annex 2</i>	£0	£0
	All Other Retail (see Note 4 below)	£120	£0
	Standard Charge (applies to all development not separately defined above, for example: offices, warehouses and leisure and educational facilities)	£0	£0
Proposed Modification 2:			
Removal of reference to annex 1 in Note	Note 2 – For the purposes of this Schedule, the area defined as Welborne is that as set out by The Welborne Plan, Part 3 of the Fareham Borough Local Plan (Annex 1) .		
Proposed Modification 3:			
Removal of reference to annex 2 in Note 4 and change of reference to Note 3 from Note 2	Note 4 - For the purposes of this schedule, a comparison retail (Annex 2) unit is a unit in which it is intended to utilise more than 50% of the gross retail floor area for the sale of comparison goods as defined by Note 2 <i>3</i> above.		