

**WARWICK DISTRICT COUNCIL COMMUNITY  
INFRASTRUCTURE LEVY [CIL] CHARGING SCHEDULE  
EXAMINATION**

**EXAMINER'S ISSUES & QUESTIONS**

**Regulatory and Other Matters**

- (i) Can the Council confirm that:
  - (a) it has used appropriate available evidence to inform the draft charging schedule;
  - (b) the evidence shows that the proposed rates would not put at risk the delivery of relevant Plans; and
  - (c) that the schedule has been prepared in accordance with:
    - (i) the statutory procedures in the Planning Act 2008 (as amended) and the CIL Regulations April 2010 (as amended); and
    - (ii) the consultation procedures as set out in the Regulations.

**Issue 1 – Is the Charging Schedule supported by background documents containing appropriate available evidence?**

*Infrastructure Planning Evidence*

- 1.1 Is the schedule of infrastructure in the draft Regulation 123 list based on, and consistent with, the emerging Local Plan and an up-to-date Infrastructure Delivery Plan (IDP)?
- 1.2 Does the emerging Plan provide a sufficiently stable basis upon which to assess the scale, distribution and type of development that is likely to come forward?
- 1.3 Has a funding gap been robustly demonstrated? Specifically:
  - (a) Is it clear what time period has been used to assess infrastructure needs?
  - (b) Is it clear what the total infrastructure costs will be during that period?
  - (c) Has an assessment been made of likely contribution of other funding sources towards those costs?
  - (d) What is the resulting funding gap?

**Issue 2 – Are the charging rates informed by and consistent with the evidence?**

*General*

- 2.1 In general terms, is the definition of the charging areas robustly supported by economic viability evidence? Has sufficiently fine-grained sampling of development sites taken place? Has a sufficient amount of market and sensitivity testing taken place?

- 2.2 What is the rationale behind having two charging areas (zones B & D) with the same charging rates? *Inspector's note: the Council's comments on this matter in document PC1A are noted.*
- 2.3 Are the differential charging rates soundly based on evidence of differential values in the identified charging areas?
- 2.4 Is the proposed transfer of area of land from zone A to zone D justified by the viability evidence?
- 2.5 Is the introduction of a nil charging rate for all other developments (as proposed in the Council's suggested modification) based on robust viability evidence?

### *Residential*

- 2.6 Are the 'Residential' and 'Strategic Residential' types of development clearly defined and in accordance with regulation 13(1)(a) of the CIL Regulations (as amended)? Should separate charging zones be identified for these development types?
- 2.7 Is the differential in charging rates between 'Residential' and 'Strategic Residential' types of development justified by a comparative assessment of their economic viability?
- 2.8 Are the assumptions underlying the 2016 Viability Study Update in respect of residential development suitably robust with regard to:
- The allowance made for other infrastructure through s106/s278 contributions?
  - Benchmark land values?
  - The range of typologies that have been tested?
  - Unit sizes?
  - Build costs?
  - Professional fees?
  - Abnormal costs?
  - Developer profit (including affordable housing)?

### *Retail*

- 2.9 Are the 'Retail – prime Leamington' and 'Convenience based supermarkets, superstores and retail parks' types of development clearly defined and in accordance with regulation 13(1)(a) of the CIL Regulations (as amended)?
- 2.10 Should the 'Retail – prime Leamington' charging rate be restricted to the prime retail area of Leamington Spa? If so, should a separate charging zone be identified? *Inspector's note: the Council's comments on this matter in document PC1A are noted.*
- 2.11 In view of the evidence base, should a nil charging rate be set for retail development other than the two development types listed on the charging schedule?

2.12 Has the charging rate for 'Convenience based supermarkets, superstores and retail parks' been adequately evidenced with regard to viability effects?

**Issue 3 – Would the proposed charging rates put the overall development of the area at risk?**

- 3.1 Would the proposed charges amount to a reasonable proportion of the overall development costs of a scheme? Is there any evidence that they would suppress overall housing and retail development, including the development of strategic sites?
- 3.2 Would the proposed charging rates for residential development threaten the achievement of the Local Plan's affordable housing targets?
- 3.3 Would the proposed residential charging rates put the development of specialist housing for the elderly at risk? Have the effects on the viability of such developments been adequately assessed?
- 3.4 Overall, has an appropriate balance between helping to fund new infrastructure and the potential effects on economic viability been achieved?

Michael J Hetherington  
Examiner  
May 2017

**Participants**

Budbrooke Parish Council  
Savills for Landowner & Housebuilder Consortium  
Star Planning for The Richborough Estates Partnership  
The Planning Bureau for McCarthy & Stone  
Turley for IM Properties  
WYG for Standard Life