

Community Infrastructure Levy Modifications 2017

O - 70561 - 12819 - CIL Modification 1 - None

70561 Object

Table of modifications to draft CIL charging schedule (2017) CIL Modification 1

Respondent: WYG Planning and Environment (Mr Peter Waldren) [12819]
5th Floor, Longcross Court, 47 Newport Road, Cardiff
CF24 0AD
Wales

Agent: N/A

Full Text:

The element of the Draft Charging Schedule which deals with Retail is entirely unclear. Our representations to the original Draft Charging Schedule (in March 2015) and subsequent representations to the Revised Draft Charging Schedule (February 2017) set out our concerns regarding what is meant by "Convenience based supermarkets, superstores and retail parks". The concerns raised have not been addressed in the Statement of Modifications and accordingly our representations remain (we rely on our earlier representations and do not re-state them here). However, the Statement of Modifications Draft Charging Schedule adds further confusion. The bold type heading "Retail Area" suggests that the three types of retail development listed below relate to specific geographic areas, otherwise why refer to retail "Area"? However, the 'amended zoning map' is titled "Residential Charging Zones" and makes no reference to retail at all. Accordingly, no retail zones are defined, making the Draft Charging Schedule impossible to interpret. Even if "Convenience based supermarkets, superstores and retail parks" were a clearly defined type of development (a point which our previous representations address) the charge for which applies across the whole District, and the reference to "Retail Area" is in error in that respect, it must be the case that "Retail - prime Leamington" does relate to a geographic area; it is inconceivable that this could be referring to a development "type". Again, the 'amended zoning map' relates to residential development only and makes no reference to retail at all. We note that this point has been raised by the Inspector in correspondence PC1 and was not addressed in the Authority's response PC1A. It has been left to be addressed in the Authority's response to the Issues & Questions and discussed at the hearing session if necessary. We consider this to be wholly unsatisfactory and prejudicial to interested parties who will be forced to respond 'on the hoof' and, moreover, to be contrary to Regulation 16 which requires consultation.

The combined result of the absence of a clear definition of "Convenience based supermarkets, superstores and retail parks" and the absence of a retail charging zone(s) result in very considerable uncertainty. Neither a prospective developer, nor an officer of the Charging Authority could, with any certainty, predict whether a given Class A1 development would result in a charge of £105, £65 or £0 per square metre. The implications for a development appraisal, and thus the potential effects of the imposition of CIL on the economic viability of development, are significant. More pertinently for the purposes of the Hearing, the Authority cannot be shown to have complied with Regulation 13 or 14(1)(b). Separately, we also note that the 'amended zoning map' now shows five of the strategic housing sites. However, these sites are also cross hatched with their underlying residential zone hatching (for example, the Kings Hill site H43 is shown with red hatching but is also covered with yellow hatching as part of Zone D). It is not clear, therefore, whether a proposal (or phase of development) of less than 300 dwellings at Kings Hill would be charged at £55 or £195. The same type of development in the same geographic location could be argued to be subject to two different charges. As is the case with retail development, there is a significant lack of clarity regarding residential development and the charge which would apply. Given these open questions regarding what charge, if any, would apply to retail development and what charge would apply to the largest strategic housing allocations in the District, we do not believe that the Charging Authority can possibly have accurately calculated the funding from CIL. Accordingly, it cannot have

Community Infrastructure Levy Modifications 2017

O - 70561 - 12819 - CIL Modification 1 - None

70561 Object

Table of modifications to draft CIL charging schedule (2017) CIL Modification 1

struck an appropriate balance between funding from CIL and the estimated total cost of infrastructure required to support the development of its area. Furthermore, it cannot have taken into account the potential effects of the imposition of CIL on the economic viability of development across its area. In short, Regulation 14 has not been complied with.

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

Summary: Modifications Statement adds further confusion regarding the applicable charges for retail in terms of type and location. See attached for full details.

Change to Plan

Appear at exam?	Legal?	Sound?	Duty to Cooperate?	Soundness Tests
Not Specified	Not Specified	Not Specified	Not Specified	None

Attachments:

170615 CIL Statement of Modifications Response.pdf

CIL Statement of Modifications Response Form May/June 2017

For Official Use Only

Ref:
Rep. Ref.

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

Part A - Personal Details

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

Part B - Commenting on the CIL Statement of Modifications

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

Sheet of

Which part of the document are you responding to?

Charging Schedule

Modification Number/ Subheading (if relevant)

Map (e.g. Residential CIL Charging Zones)

Yes

What is the nature of your representation?

Support

Object

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

Statement of Modifications Draft Charging Schedule:

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

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

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

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

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

Cont...

For Official Use Only

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Rep. Ref.

Part B - Commenting on the CIL Statement of Modifications

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Modification Number/ Subheading (if relevant)

Map (e.g. Residential CIL Charging Zones)

What is the nature of your representation?

Support

Object

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

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

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

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

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Part B - Commenting on the CIL Statement of Modifications

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

Sheet 3

of 3

CIL Examination : Right to be Heard

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

Yes



No



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

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

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Ref:

Rep. Ref.

Part B - Commenting on the CIL Statement of Modifications

Guidance on Making Representations

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

Or

email: newlocalplan@warwickdc.gov.uk

For Official Use Only

Ref:

Rep. Ref.

Date: 25 May 2017
Our ref: 215354 + 216194
Your ref: Community Infrastructure Levy Charging Schedule (CIL) Examination & Modifications to the draft charging schedule.



Dave Barber
Warwick District Council
Riverside House
Milverton Hill
Leamington Spa
CV32 5HZ

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Dave Barber

Warwick District Council, Community Infrastructure Levy Charging Schedule (CIL) Examination & Modifications to the draft charging schedule.

Thank you for your consultation on the above dated 10 May 2017, which was received by Natural England on 10 May 2017.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has no further comments on the above consultation.

The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.

If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Mrs Carla Wright
Consultations Team

Community Infrastructure Levy Modifications 2017

S - 70559 - 14639 - CIL Modification 1 - None

70559 Support

Table of modifications to draft CIL charging schedule (2017) CIL Modification 1

Respondent: Natural England (Ms Carla Wright) [14639] **Agent:** N/A
Hornbeam House
Crewe Business Park
Electra Way
Crewe
CW1 6GJ

Full Text: Natural England have no further comments

Summary: No further comments

Change to Plan N/A

Appear at exam?	Legal?	Sound?	Duty to Cooperate?	Soundness Tests
Not Specified	Not Specified	Not Specified	Not Specified	N/A

Attachments:
NE Response.pdf

Community Infrastructure Levy Modifications 2017

O - 70560 - 9214 - CIL Modification 3 - None

70560 Object

Table of modifications to draft CIL charging schedule (2017) CIL Modification 3

Respondent: Budbrooke Parish Council (Mike Dutton) [9214] **Agent:** N/A
9214 None given
Email

Full Text: Budbrooke Parish Council response to Modifications to the Draft Charging Schedule for the Community Infrastructure Levy.

It is good to know that WDC does indeed feel that Budbrooke is rural in nature and it contains significantly high quality facilities, indeed more so than many rural villages further away from Warwick.

We understand that there could be challenges. However, it appears that if the challenges were successful, it would suggest that WDC had not put up a sufficiently robust argument.

* Budbrooke is Green Belt and was the only green belt site to be allocated the lowest zone A status.

* The Zone A identification (Warwick, East of Leamington and lower value rural) would mean that while classified as the highest standard of rural village with existing facilities and resources and hence the allocation of almost double the number of dwellings than pre modification plans. This is contradictory.

* The impact of 245 new dwellings [an increase of 40%] will take current facilities to breaking point, if not beyond, and current residents will have less CIL to make up for the deficiencies or need for additional facilities.

* Leamington, Whitnash and high value rural quite rightly should include Budbrooke in Zone D or Zone B.

* The A46 is a natural boundary.

* Having the same Zone as Warwick implies that that WDC's stated objective in planning guidance for the Local Plan - that developments in villages should not breach the gap between villages/town - is just hot air and has no value.

* Having such a high standard of resources already in the village developers will be able to market their properties to maximise prices.

* To classify Budbrooke as Zone A was at best a total lack of understanding and knowledge about this parish in comparison to other parishes in Zone B, and at worst an insult.

Summary: Budbrooke Parish Council response to Modifications to the Draft Charging Schedule for the Community Infrastructure Levy.

It is good to know that WDC does indeed feel that Budbrooke is rural in nature and it contains significantly high quality facilities, indeed more so than many rural villages further away from Warwick.

We understand that there could be challenges. However, it appears that if the challenges were successful, it would suggest that WDC had not put up a sufficiently robust argument.

* Budbrooke is Green Belt and was the only green belt site to be allocated the lowest zone A status.

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* The impact of 245 new dwellings [an increase of 40%] will take current facilities to breaking point, if not beyond, and current residents will have less CIL to make up for the deficiencies or need for additional facilities.

* Leamington, Whitnash and high value rural quite rightly should include Budbrooke in Zone D or Zone B.

* The A46 is a natural boundary.

* Having the same Zone as Warwick implies that that WDC's stated objective in planning

Community Infrastructure Levy Modifications 2017

O - 70560 - 9214 - CIL Modification 3 - None

70560 Object

Table of modifications to draft CIL charging schedule (2017) CIL Modification 3

guidance for the Local Plan - that developments in villages should not breach the gap between villages/town - is just hot air and has no value.

* Having such a high standard of resources already in the village developers will be able to market their properties to maximise prices.

* To classify Budbrooke as Zone A was at best a total lack of understanding and knowledge about this parish in comparison to other parishes in Zone B, and at worst an insult.

Change to Plan

Appear at exam?

Not Specified

Legal?

Not Specified

Sound?

Not Specified

Duty to Cooperate?

Not Specified

Soundness Tests

None

Attachments:

Community Infrastructure Levy Modifications 2017

O - 70558 - 12986 - CIL Modification 1 - None

70558 Object

Table of modifications to draft CIL charging schedule (2017) CIL Modification 1

Respondent: Graham Ball [12986]

Agent: N/A

12986 7 Cranmer Grove
Email Heathcote
Warwick
CV34 6EP

Full Text:

My question on the community infrastructure levy is: why is it 2 to 5% of development costs? There should be economic theory supporting the percentage. Specifically, the main cost of building new housing to the existing community is the health-giving countryside that is built on. For every hectare of countryside that is built on, in theory the district council should purchase a new hectare of (equivalent) countryside nearby (eg elsewhere in south Warwickshire) to replace the land that has been lost. The community infrastructure levy should be set equal to the cost of this land purchase. If (roughly) 1/3 of the cost of a new house is land, this suggests that the community levy should be set at more like 33% rather than 2 to 5%.

A target of ~16,000 new homes in 18 years promotes an emotional reaction of shock because most locals would not want this scale of development; the price of those homes does not reflect the true cost to existing residents of that development.

In conclusion, the community infrastructure levy should reflect the cost to existing households as well as to new households. With a finite land supply, this approach would also make the council's policies sustainable.

Summary:

My question on the community infrastructure levy is: why is it 2 to 5% of development costs? There should be economic theory supporting the percentage. Specifically, the main cost of building new housing to the existing community is the health-giving countryside that is built on. For every hectare of countryside that is built on, in theory the district council should purchase a new hectare of (equivalent) countryside nearby (eg elsewhere in south Warwickshire) to replace the land that has been lost. The community infrastructure levy should be set equal to the cost of this land purchase. If (roughly) 1/3 of the cost of a new house is land, this suggests that the community levy should be set at more like 33% rather than 2 to 5%.

A target of ~16,000 new homes in 18 years promotes an emotional reaction of shock because most locals would not want this scale of development; the price of those homes does not reflect the true cost to existing residents of that development.

In conclusion, the community infrastructure levy should reflect the cost to existing households as well as to new households. With a finite land supply, this approach would also make the council's policies sustainable.

Change to Plan

Appear at exam?	Legal?	Sound?	Duty to Cooperate?	Soundness Tests
Not Specified	Not Specified	Not Specified	Not Specified	None

Attachments:

Community Infrastructure Levy Modifications 2017

O - 70556 - 14631 - CIL Modification 3 - None

70556 Object

Table of modifications to draft CIL charging schedule (2017) CIL Modification 3

Respondent: The King Henry VIII Endowed Trust, Warwick (Mr 14631 **Jonathan Wassall)** [14631] **Agent:** N/A
12 High Street
Web Warwick
CV34 4DP

Full Text: We are objecting to Mod3 - the amendment to the zoning map with regard to Hampton Magna. This moves Hampton Magna from Zone A to Zone D.

We have not seen any evidence to support or justify the proposed modification. It would appear that the proposed modification stems simply from a request by the Parish Council to bring the village in line with other villages in Budbrooke parish. Nowhere else does the zoning appear to strictly follow parish boundaries.

It is our understanding that the CIL zoning map is based on an informed view on benchmark land values and the viability of development sites being able to meet different levels of CIL. In this respect, we would note that property prices (and therefore land values) in Hampton Magna are lower than in much of Warwick, which is in Zone A. We also note that the CIL Viability Study (2014) prepared by BNP Paribas Real Estate states that "schemes located in Warwick and the surrounding lower value rural areas are unlikely to be able to make substantial CIL contributions as well as making a meaningful affordable housing contribution" (para 6.19). We agree with this finding.

We see no evidence that the proposed modification should be accepted and request that the "white area" on the zoning map (Hampton Magna) remains in zone A.

Summary: Hampton Magna should remain in Zone A as house and land values in Hampton Magna are lower than Warwick, which is in Zone A.

There is no evidence to support moving it to Zone D.

BNP Paribas' report on CIL Viability Study (2014) states that "schemes located in Warwick and the surrounding lower value rural areas are unlikely to be able to make substantial CIL contributions as well as making a meaningful affordable housing contribution".

Change to Plan

Appear at exam?	Legal?	Sound?	Duty to Cooperate?	Soundness Tests
Not Specified	Not Specified	Not Specified	Not Specified	None

Attachments:

Community Infrastructure Levy Modifications 2017

O - 70557 - 13988 - CIL Modification 3 - None

70557 Object

Table of modifications to draft CIL charging schedule (2017) CIL Modification 3

Respondent: The Richborough Estates Partnership LLP [13988] **Agent:** Star Planning and Development (Mr David Barnes) [13985]

Web c/o Star Planning and Development
140 Brandwood Road
Kings Heath
Birmingham
B14 6BX

140 Brandwood Road
Kings Heath
Birmingham
B14 6BX

Full Text: see accompanying statement

Summary: see accompanying statement

Change to Plan

Appear at exam?	Legal?	Sound?	Duty to Cooperate?	Soundness Tests
Not Specified	Not Specified	Not Specified	Not Specified	None

Attachments:

CIL Mod 2 Final.pdf

<http://warwickdc.jdi-consult.net/localplan/adminsc/download.php?action=download&uploadid=24913>



Table of Modifications to the Draft CIL Schedule

Objection of Richborough Estates Limited to Mod 2

1. Richborough Estates Limited OBJECT to the Table of Modifications to the Draft CIL Schedule, specifically Mod 2.
2. By way of context, Richborough Estates objected to the to the Community Infrastructure Levy: Draft Charging Schedule (Jan/Feb 2017) (DCS). The basis of the objection was that Site H51, which is a housing allocation in the emerging Warwick Local Plan, was included in CIL Charging Zone D rather than Zone A. Hampton Magna and the housing site allocated at Arras Boulevard (Site H27) were included in Zone A whereas Site H51 was not. This was an illogical and inconsistent approach to adopt.
3. What is evident is that it must have been a conscious decision by the Council to originally include Hampton Manga and Site H27 in Charging Zone A and to retain them within the same zone until the Table of Modifications to the Draft CIL Schedule was published. The original decision would have been based upon the available evidence and advice of the Consultants about the viability of development at Hampton Magna, in particular the likely land value reflected by current house prices. The Green Belt status of the land around Hampton Magna meant that land sale information was unavailable to use as a benchmark.
4. When reported to the Council meeting on 12 April 2017, the commentary next to the representation by Richborough Estates was just 'Noted' with no specific recommendation to accept or reject the change sought to include Site H51 within CIL Charing Zone A. The summary of the representation was:

It appears to Richborough Estates that the failure to include Site H51 within Charging Zone A is a simple oversight associated with this allocation at Hampton Magna only being introduced via the Proposed Modifications. Accordingly, an amendment to the map at Appendix A of the Draft Charging Schedule is sought by Richborough Estates whereby Charging Zone A includes both Site H27 and Site H51 as part of Hampton Magna reflecting its status as a 'lower value' rural settlement.

5. Two other representations were submitted by Budbrooke Parish Council and Councillor Peter Phillips concerning which CIL Charging Zone Hampton Magna should reside within. The Parish Council's representation was summarised as '*Budbrooke Parish Council believes that the parish of Budbrooke should be re-designated as Zone D in line with other villages within Budbrooke Ward*'. The summary of Councillor Phillips's comment was that '*Hampton Magna should be reclassified as Zone A to align with the rest of the villages in Budbrooke*



Ward. It is believed that the reference to 'Zone A' might be an error but if not then Richborough Estates agree with the local Councillor.

6. To assist, maps are attached identifying both the Parish (Plan 1) and Ward of Budbrooke (Plan 2). These maps also show the other settlements within these respective administrative areas.
7. The Parish Council's representation (as summarised) does not provide any detailed explanation on viability or other evidential based grounds to justify Hampton Magna being included in CIL Charging Zone D rather than Zone A. It just appears that the case was based upon Hampton Magna being treated the same as other rural settlements rather than, potentially, being an adjunct to Warwick. For the representations received from the Parish Council and the Councillor the report to the Council meeting on 12 April 2017 merely 'Noted' the representations in an equivalent manner to those of Richborough Estates. Unlike other representations, no specific commentary or recommendations were made.
8. Rather than providing an assessment and analysis of why Mod 2 should be pursued, when the representations to the Draft Charging Schedule were reported to the Council, the covering report (paragraph 3.4) merely referred to:

Following approval at the January 2017 Executive meeting, the refreshed DCS was consulted upon between 16 Jan and 20 Feb 2017. Officers have carefully considered the representations made to the Council and sought specialist advice on technical matters. There were no changes to the Draft Charging Schedule, although there are minor amendments to the Zoning Map. The summary of representations and responses to the points made is included as Appendix 1, the final DCS included in Appendix 2 and the revised Zoning Map in Appendix 3.

9. All that is recorded in the Table of Mods to Draft CIL Schedule is that the change to the Zoning Map is being proposed:

In response to the representation from Budbroke (sic) Parish Council, amend zoning map at Hampton Magna to include the settlement in Zone D to ensure the two Local Plan Housing Allocations at Hampton Magna (site H27 and H51) are within the same zone. Specifically, the "white area" shown on the Zoning Map dated 6/4/17 is proposed to change from Zone A to Zone D.

10. This reasoning lacks any clarity. Nothing is contained in the report to Council to justify the change to the Zoning Map to exclude Hampton Magna from CIL Charging Zone A and include the whole of the settlement, together with the Sites H27 and H51, in Zone D. There is no assessment of the implications of accepting the Parish Council's representation in terms of the effect of the higher CIL on the viability and delivery of housing at Hampton



Magna and the ability for Sites H27 and H51 to sustain a higher charge than originally proposed by the Council assessed, logically, using the evidence base.

11. The evidential starting point is that Hampton Magna is not identified in Table 4.4.3 of the Community Infrastructure Levy: Viability Study (2016 Updated) as a settlement within the rural area of a 'Higher Value'. This is unsurprising given both the location of Hampton Magna on the edge of Warwick and the type of housing which is a product of its unusual circumstances. The current settlement was created by the planned redevelopment of a former barracks and is dominated by 3 and 4-bedroom detached and semi-detached houses.

12. Paragraph 2.23 of the Viability Study helpfully records that:

Residential sales values for new developments vary significantly between different parts of Warwick District. Our research indicates that there are higher values in some of the rural settlements (e.g. Barford, Norton Lindsey and Shrewley) than in the main settlements of Warwick, Leamington Spa and Kenilworth. Among the three main settlements, properties in Leamington Spa attract higher average sales values than Warwick and Kenilworth.

At this point it is useful to refer to the Budbrooke Ward map (Plan 2) which identifies that the villages of Norton Lindsey and Barford are within the same Ward as Hampton Magna. The commentary clearly notes that these 2 settlements include properties of a higher value and Norton Lindsey is a settlement within the rural area of a 'Higher Value' according to Table 4.3.3 of the Viability Study.

13. The reason for Hampton Magna having been included within the same CIL Charging Zone as Warwick (i.e. Zone A) must have been that the house prices and, therefore, the land values are lower than the other near-by rural settlements. To support the proposition of Richborough Estates, the 'Rightmove' and 'Zoopla' website resources have been utilised which record the price residential properties achieve when sold based upon Land Registry information.
14. Although there are no more recent sales than October 2015 provided on the 'Rightmove' website, two 3-bedroom semi-detached dwellings were sold on Eastley Crescent, the closest properties within Warwick to Hampton Magna, for £298,000 each. A 3-bedroom detached dwelling at Hampton Magna was sold for £245,000 in the same month and a similar property for £250,000 in September 2015. Also in Hampton Magna, a 3-bedroom semi-detached dwelling sold in November 2015 for only £247,000.



15. Reflecting the differential, the average house price in Warwick is currently indicated by 'Rightmove' to be circa £293,800 and Hampton Magna £273,400 (see further below) and 'Zoopla' suggest the current average is £339,726 with semi-detached properties selling for £293,611. For Hampton Magna, the comparable figures are £250,853 and £225,597.
16. Although there are variations between the websites, based upon the simple comparison undertaken, average house prices for a typical dwelling of a similar size and type at Hampton Manga is less than Warwick. This is an indicator that the CIL Charging Zone A was appropriately drawn to include Hampton Magna.
17. Further, the house prices in Hampton Magna are not comparable to other rural settlements whether within the Parish, the Ward or the wider area. The evidence base for the CIL does not, in the opinion of Richborough Estates, support the belated change being made in response to the representation by the Parish Council.
18. The following commentary from 'Rightmove' demonstrably differentiates Hampton Magna from other rural settlements within both the Parish and the Ward. At the time of the research being undertaken (30 May 2017), the house price date was stated to be as at 4 May 2017 (emphasis added):

*The majority of sales in **Hampton Magna** during the last year were detached properties, selling for an average price of £303,611. Semi-detached properties sold for an average of £243,625, with terraced properties fetching £260,000.*

Hampton Magna with an overall average price of £273,400 was cheaper than nearby Warwick (£293,800), Hatton Hill (£462,602) and Heathcote Park (£354,615).

Overall sold prices in Hampton Magna over the last year were 7% up on the previous year and 13% up on the 2014 level of £242,000.

There were only 15 properties sold in the last year, therefore, the average prices may only reflect the mix of properties sold, rather than changes in the local market itself.

***Hampton On The Hill**, with an overall average price of £476,750 was more expensive than nearby Warwick (£293,800) and Hatton (£441,204), but was cheaper than Norton Lindsey (£712,917).*

Overall sold prices in Hampton On The Hill over the last year were 17% up on the previous year and 38% down on the 2010 level of £775,000.

There were only 2 properties sold in the last year, therefore, the average prices may only reflect the mix of properties sold, rather than changes in the local market itself.



Last year most property sales in **Hatton Park** involved detached properties which sold for on average £494,602. Terraced properties sold for an average price of £333,905, while flats fetched £228,700.

Hatton Park, with an overall average price of £423,323, was similar in terms of sold prices to nearby Hatton (£441,204) and Leek Wootton (£438,300), but was more expensive than Warwick (£293,800).

During the last year, sold prices in Hatton Park were 19% up on the previous year and 35% up on 2014 when the average house price was £313,328.

Norton Lindsey, with an overall average price of £712,917 was more expensive than nearby Warwick (£293,800) and Hatton (£441,204), but was cheaper than Claverdon (£756,549).

Overall sold prices in Norton Lindsey over the last year were 13% up on the previous year and 13% up on the 2008 level of £632,000.

There were only 3 properties sold in the last year, therefore, the average prices may only reflect the mix of properties sold, rather than changes in the local market itself.

Sherbourne, with an overall average price of £484,000 was more expensive than nearby Warwick (£293,800), Barford (£440,328) and Snitterfield (£391,107).

In the past year house prices in Sherbourne were similar to the year before and 75% down on 2012 when they averaged at £1,925,000.

There were only 3 properties sold in the last year, therefore, the average prices may only reflect the mix of properties sold, rather than changes in the local market itself.

The majority of sales in **Barford** during the last year were detached properties, selling for an average price of £533,258. Terraced properties sold for an average of £462,889, with flats fetching £243,863.

Barford, with an overall average price of £440,328 was more expensive than nearby Warwick (£293,800), Wellesbourne (£309,896) and Whitnash (£297,364).

Overall sold prices in Barford over the last year were 14% up on the previous year and 14% up on the 2005 level of £385,738.

19. The key message from the 'Rightmove' commentary is that with an overall average price of £273,400 Hampton Magna residential properties are cheaper than elsewhere in the same Parish and Ward. As has already been noted, the average house price at Hampton Magna is less than at Warwick. Further, except for Sherbourne, the average rate of house price inflation at Hampton Magna over the past year has been less than at the other rural settlements.



20. A similar exercise has been undertaken using the 'Zoopla' website and the same conclusions can be reached (emphasis added):

*The current average value in **Hampton Magna** in June 2017 is £250,853. This has increased 0.00% from March 2017. Terraced properties sold for a current average value of £70,568 and semi-detached properties valued £225,597. In the past year property prices in Hampton Magna have decreased 5.37%. This is according to the current Zoopla estimates*

*The current average value in **Hatton Park** in June 2017 is £359,455. This has increased 0.05% from March 2017. Terraced properties sold for a current average value of £308,348 and semi-detached properties valued £263,903. In the past year property prices in Hatton Park have decreased 5.32%. This is according to the current Zoopla estimates.*

*The current average value in **Hampton-on-the-Hill** in June 2017 is £512,106. This has increased 0.05% from March 2017. Terraced properties sold for a current average value of £276,902 and semi-detached properties valued £295,933. In the past year property prices in Hampton-on-the-Hill have decreased 5.32%. This is according to the current Zoopla estimates*

*The current average value in **Norton Lindsey** in June 2017 is £572,781. This has increased 0.05% from March 2017. Terraced properties sold for a current average value of £335,154 and semi-detached properties valued £314,523. In the past year property prices in Norton Lindsey have decreased 5.32%. This is according to the current Zoopla estimates.*

*The current average value in **Sherbourne** in June 2017 is £696,652. This has increased 0.05% from March 2017. Terraced properties sold for a current average value of £200,310 and semi-detached properties valued £149,296. In the past year property prices in Sherbourne have decreased 5.32%. This is according to the current Zoopla estimates.*

*The current average value in **Barford** in June 2017 is £419,184. This has increased 0.05% from March 2017. Terraced properties sold for a current average value of £284,026 and semi-detached properties valued £300,564. In the past year property prices in Barford have decreased 5.32%. This is according to the current Zoopla estimates.*

21. The 'Rightmove' and 'Zoopla' website information clearly identifies that average sales price for a house in Hampton Magna is demonstrably lower than other near-by rural settlements within Charging Zone D in Budbrooke Parish and Ward. Based on the comparison undertaken, and although 'Zoopla' has a lower price for semi-detached properties in Sherbourne, it was correct that Hampton Magna was not identified in the Viability Study as one of the 'Higher Value' rural settlements which properly should be included in CIL Charging Zone D. Hampton Magna should, instead, be in the lower CIL Charging Zone because the residential values are closer to those achieved in near-by Warwick than other settlement in Budbrooke Parish or Ward.



22. Further interrogation of the 'Rightmove' website concerning recorded sales of 3-bedroom houses on a freehold basis for the 6-month period between 1 December 2016 and 30 May 2017 at rural settlements has been undertaken. A 3-bedroom house was chosen because it is the common house type in Hampton Magna albeit not all the other settlements had such sales in the monitoring period. The assessment yields the following comparisons:
- Hampton Magna – 5 houses sold at an average of £278,000.
 - Hampton on the Hill – there were no relevant sales during the monitoring period. However, in July 2016 a 3-bedroom terraced house sold for £346,000.
 - Hatton Park – a 1 house sold for £320,000
23. Again, this highlights that even at near-by settlements within the same Ward (Hatton Park and Hampton on the Hill) and Parish (Hampton on the Hill) there are significant differences in the sale price achieved for houses which directly affects land value and ultimately the viability of developments in terms of what costs can be absorbed, including CIL.
24. In support of this analysis, Paragraph 6.19 of the Viability Study helpfully records for smaller (non-strategic) housing sites that (emphasis added):

*'Schemes located in **Warwick** and the surrounding **lower value rural areas** are unlikely to be able to make substantial CIL contributions as well as making a meaningful affordable housing contribution. We therefore suggest that the Council considers a relatively modest CIL rate in this area. The maximum rate varies according to the affordable housing percentage secured, but is generally in the range of £60 to £280 per square metre when secured alongside 20% affordable housing. We therefore suggest a rate of **£70 per square**, which allows some headroom for the factors listed at section 6.16.'*

The available comparable evidence clearly demonstrates that Hampton Magana is part of the lower value rural area surrounding Warwick.

25. The Viability Study also includes at Table 4.4.3 the 'Average sales values used in appraisals':

Area	Average values £s per sq m	Average values £s per sq ft
Warwick and East Leamington Spa	£3,073	£285
Most of Leamington Spa	£3,971	£369
Kenilworth	£3,584	£333
Rural areas (higher value – Rowington, Leek Wootton, Ashow, Hunningham, Cubbington, Norton Lindsey, Shrewley, Bishop's Tachbrook)	£4,236	£393
Rural areas (lower values)	£3,262	£304



26. Although there will inevitably be variations between individual settlements across a District, an analysis of the property sales recorded on the 'Rightmove' website for the period 1 June 2016 and 31 May 2017 has been undertaken for Hampton Magna to 'test' the assumed sales value utilised in the Viability Study. The analysis is recorded in the table below:

Property Address	Type	Bedrooms	Floorspace sq ft	Stated Price	Price/sq ft
6 Ryder Close	Detached	3	No Figure	£263,000	n/a
6 Marten Close	Detached Bungalow	3	1,135	£308,000	£271.37
2 Clinton Avenue	Detached	3	1,249	£290,000	£232.19
3 Summer Close	Detached	?	No Figure	£270,000	n/a
21 Gould Road	Detached	3	No Figure	£300,000	n/a
29 Field Barn	Semi-detached	3	1,047	£229,500	£219.20
7 Haywards Close	Semi-detached	4	1,431	£285,000	£199.16
10 Church Path	Detached	3	1,045	£232,000	£222.01
6 Cherry Lane	Detached Bungalow	3	1,153	£254,000	£220.29
12 Old Budbrooke Lane	Terrace	3	1,351	£260,000	£192.45
8 Jackson Close	Detached	4	1,636	£357,000	£218.22
8 Curlieu Close	Detached	4	1,529	£360,000	£235.45
21 Cherry Lane	Semi-detached	3	No Figure	£227,500	n/a
5 Chichester Lane	Detached	4	1,676	£330,000	£196.90
				Average (10 properties)	£220.72

27. The analysis indicates that the highest sales value in Hampton Magna was about £271/sq ft for a bungalow which is comparable with the Viability Study's values for Warwick and East Leamington Spa. The average sales value at Hampton Magna is around £221/sq ft which is well below the 'Higher Value' for the rural area assumed in the Viability Study. Indeed, as reflected in the comparative assessment of other villages, the sales values at Hampton Magna are even below than the Viability Study's assumption for the lower values in the rural area. Again, this points towards Hampton Magna being included in the lowest CIL Charging (Zone A) rather than the highest (Zone D).
28. It is appreciated that not all site-specific matters can be fully taken into account in a district-wide assessment for CIL because there has to be some simplification of the viability approach for different types of sites. In highlighting the viability of the allocations, there are examples of abnormal costs which would be associated with the development of Site H51, including the need to divert the route of the foul water sewer which diagonally crosses the site and the construction of the temporary haul route from the south to avoid construction traffic travelling along the local residential roads.



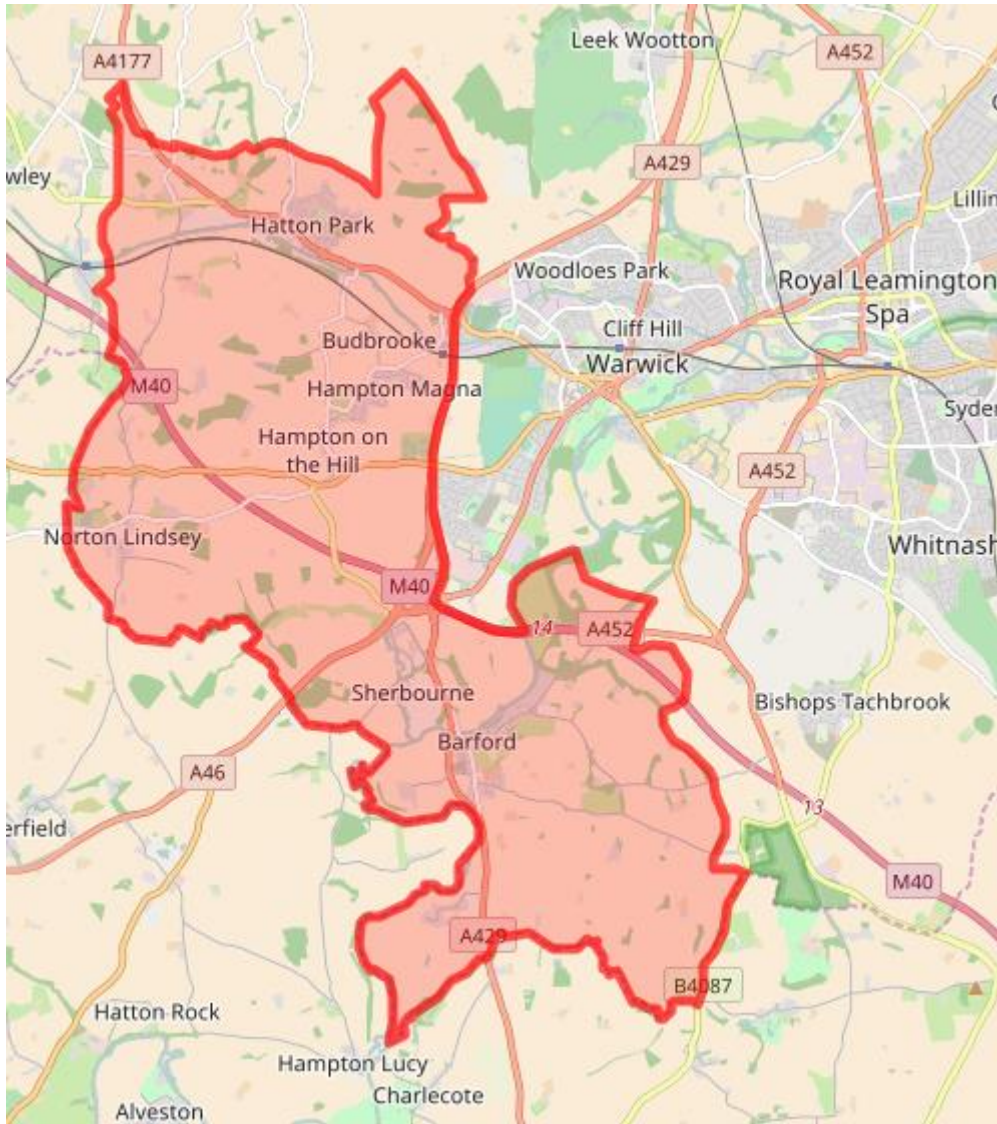
29. In summary, the Viability Study was correct in excluding Hampton Magna as a settlement within the rural area of a 'Higher Value'. The Council was also correct in originally including Hampton Magna and Site H27 in CIL Charging Zone A because of its greater comparability to Warwick in terms of sales values and being part of the lower value area surrounding the town.
30. In the absence of any specific justification, the proposed modification to include Hampton Magna, together with Sites H27 and H51, within CIL Charging Zone D does not stand-up to objective scrutiny but appears to be based upon the potential desire by a respondent for the settlement to be part of the rural area rather than being perceived as an adjunct to Warwick. Including Hampton Magna and the allocated housing sites within a higher CIL Charging Zone than Zone A would raise issues of the viability and deliverability of these housing sites because of the sales values which are achievable and the costs which can be absorbed before there is no incentive for an owner to sell land.
31. Accordingly, Mod 2 should be reversed and Hampton Magna, together with Sites H27 and H51, should be included in Charging Zone A as originally proposed by the Council and sought by Richborough Estates.

Version Final

15 June 2017



Plan 1: Civil Parish of Budbrooke



Plan 2: Budbrooke Ward